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**ELEVATION OF THE OFFICE OF OCEAN AND
COASTAL RESOURCES MANAGEMENT**

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SUBCOMMITTEE ON OCEANOGRAPHY, GULF OF
MEXICO, AND THE OUTER CONTINENTAL SHELF
OF THE

COMMITTEE ON
MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

**ELEVATION OF THE OFFICE OF OCEAN AND COASTAL
RESOURCES MANAGEMENT TO THE ASSISTANT AD-
MINISTRATOR LEVEL WITHIN NOAA**

—
JUNE 21, 1994
—

Serial No. 103-114

Printed for the use of the Committee on Merchant Marine and Fisheries



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ELEVATION OF THE OFFICE OF OCEAN AND COASTAL RESOURCES MANAGEMENT

TUESDAY, JUNE 21, 1994

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OCEANOGRAPHY, GULF OF MEXICO, AND THE OUTER CONTINENTAL SHELF, COMMITTEE ON MERCHANT MARINE AND FISHERIES,

Washington, DC.

The Subcommittee met, pursuant to call, at 2:15 p.m., in room 2123, Rayburn House Office Building, Hon. Solomon P. Ortiz [chairman of the Subcommittee] presiding.

Present: Representatives Ortiz, Eshoo, and Bentley.

Staff Present: Jeffrey Pike, Chief of Staff; Tom Kitsos, Chief Counsel; Suzanne J. Waldron, Press Secretary; Robert Wharton, Senior Professional Staff; John Aguirre, Legislative Clerk; Terry Schaff, Oceanographer; Katie Hornbarger, Sea Grant Fellow; Dan Ashe, Senior Professional Staff; Bill Price, NOAA detailee; Lisa Pittman and Richard Russell, Minority Counsel; Margherita Woods, Chief Minority Clerk; and Dave Whaley, Minority Professional Staff.

STATEMENT OF HON. SOLOMON P. ORTIZ, A U.S. REPRESENTATIVE FROM TEXAS, AND CHAIRMAN, SUBCOMMITTEE ON OCEANOGRAPHY, GULF OF MEXICO, AND THE OUTER CONTINENTAL SHELF

Mr. ORTIZ. The Subcommittee will come to order.

Good afternoon. I would like to welcome all of you here today on behalf of the Subcommittee on Oceanography, Gulf of Mexico and the Outer Continental Shelf.

Today the Subcommittee meets to examine proposals to elevate the Office of Ocean and Coastal Resource Management to the Assistant Administrator level within NOAA. OCRM currently is a program office housed within NOAA's National Ocean Service. However, prior to a major reorganization of NOAA in 1982, the Office of Coastal Management, the predecessor of OCRM, enjoyed line office status.

The 1982 reorganization created the National Ocean Service and placed OCRM within this new line office.

OCRМ includes most of the components of its predecessor office and has many of the same responsibilities, most notably, the administration of the Coastal Zone Management Act. However, since the 1982 reorganization, there have been calls to reevaluate OCRM to the Assistant Administrator level.

Such calls are based upon the view that maintaining a line office for Coastal Zone Management will emphasize the importance of the coastal zone to the economic and environmental future of the Nation.

Those advocating elevation believe that the current structure does not allow OCRM staff to deal effectively with other Federal agencies and has led to inefficiencies within NOAA. Supporters also point out that elevating OCRM would support NOAA's Coastal Ecosystem Health Initiative, one of three priorities identified in NOAA's strategic plan.

Perhaps we can all agree that a greater emphasis must be placed on managing our Nation's precious coastal resources. However, it remains unclear what the best course of action is to facilitate more effective management. Apart from the basic question of whether OCRM should be elevated to the Assistant Administrator level within NOAA, a question remains regarding whether such a reorganization should be carried out legislatively or administratively. We have a number of highly qualified witnesses here today to provide information on these issues.

Again, I welcome you all here and look forward to your testimony.

At this moment, I know that several members were either here before I came or will be coming back later, but I would like to include the Ranking Member's statement and those statements of other members for the record.

[The statements of Mr. Fields, Mr. Weldon, and Mr. Green follow:]

STATEMENT OF HON. JACK FIELDS, A U.S. REPRESENTATIVE FROM TEXAS, AND
RANKING MINORITY MEMBER, COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. Chairman, I appreciate the opportunity to hear about the merits of elevating the Office of Ocean and Coastal Resource Management (OCRM) at the National Oceanic and Atmospheric Administration (NOAA). I understand this action is particularly important to the proponents of the Coastal Zone Management Act, which is administered by the OCRM.

At present, OCRM is housed within the National Ocean Service, one of NOAA's five line offices. At one point in its history, OCRM functioned as a staff office directly responsible to the Administrator of NOAA. In 1978, NOAA established OCRM as a line office within the agency, headed by an Assistant Administrator appointed by the Secretary of Commerce with the approval of the President. In 1982, the Secretary of Commerce created a new line office, the National Ocean Service, headed by an Assistant Administrator for Ocean Services and Coastal Zone Management, and placed OCRM in this office.

I have heard arguments that restoring OCRM to an Assistant Administrator level will enable OCRM to deal more effectively with other Federal agencies, especially on coastal zone management consistency issues. I've also heard that elevation would support NOAA's "Coastal Ecosystem Health" initiative, one of 12 priorities identified by NOAA in its Strategic Plan.

As you know from my earlier statements on this issue when it was raised during the consideration of the NOAA Authorization Act, I am concerned that elevating OCRM may entail more bureaucracy, with its attendant costs, at a time when downsizing the Federal Government is the order of the day. I am curious whether placing OCRM in a different position in the NOAA organizational chart will have any effect on the agency's dealings on consistency disputes between agencies. After all, the Coastal Zone Management Act requires Federal consistency no matter who sends the letter. As for enhancing NOAA's "Coastal Ecosystem Health" element in its Strategic Plan, this priority is already split among four of the five existing line offices of the agency. Creating a new line office certainly won't change its low standing and priority in President Clinton's budget. In fact, this lack of attention within the Administration should be the real issue for the proponents of the elevation idea.

Mr. Chairman, this being said, I think that if there are demonstrable benefits to reorganizing parts of NOAA to give greater prominence to the programs now overseen by OCRM, without increasing the costs and establishing new bureaucratic layers, I could support such an initiative. These are stringent requirements to fill, however, I am sure that our distinguished witnesses can provide some guidance.

Thank you, Mr. Chairman.

STATEMENT OF HON. CURT WELDON, A U.S. REPRESENTATIVE FROM PENNSYLVANIA, AND RANKING MINORITY MEMBER, SUBCOMMITTEE ON OCEANOGRAPHY, GULF OF MEXICO, AND THE OUTER CONTINENTAL SHELF

Mr. Chairman, I compliment you for holding this hearing on the elevation of the Office of Ocean and Coastal Resource Management (OCRM). OCRM is responsible for the administration of the Coastal Zone Management Act (CZMA). As such, this hearing is particularly timely since the Oceanography, Gulf of Mexico, and the Outer Continental Shelf Subcommittee has begun the process of reauthorizing CZMA.

I would also like to compliment Congresswoman Anna Eshoo for bringing this issue before the Subcommittee. The Subcommittee historically has been a strong supporter of CZMA, and Congresswoman Eshoo has been a leader on the issue.

Since 1982, OCRM has been part of the National Ocean Service (NOS) line office. For 4 years prior to that date, OCRM was its own line office.

The issue of restoring OCRM to line office status has received considerable support from those most involved with the Coastal Zone Management (CZM) Program. Proponents of the move point out that CZM has not received the support it deserves within the National Oceanic and Atmospheric Administration (NOAA) and that elevating OCRM would increase the program's profile within the agency.

As a strong supporter of the CZM Program, I look forward to hearing from today's witnesses about the potential benefits of elevating OCRM. Like many of the other members of the Subcommittee, I would like to see NOAA give increased attention to the CZM Program.

The CZM Program is the best coastal planning and protection program in existence. The success of the program, however, is not based solely on the work of NOAA's OCRM office, but also on the individual State programs which receive CZM grant funding and technical assistance. Elevation of the OCRM office should be a means to increase technical assistance and CZM grant funding for coastal States. Unfortunately, elevating an office can also mean increased overhead, increases which can quickly soak up any additional resources. That is a result we all want to avoid.

Mr. Chairman, thank you again for holding this important hearing. Today's testimony should provide the Subcommittee with valuable insights on how to increase Federal support for our Nation's coastal States.

STATEMENT OF HON. GENE GREEN, A U.S. REPRESENTATIVE FROM TEXAS

Good afternoon. I want to welcome our witnesses who have come to testify on the elevation of the Office of Ocean and Coastal Resource Management (OCRM) to the Assistant Administrator level within NOAA.

The status of the OCRM is important to States like Texas, because OCRM manages funds and assists States in establishing and conducting Coastal Zone Management (CZM) programs. Texas is one of six eligible States that do not have federally approved programs, however, it may submit CZM programs for Federal approval within a year.

The ability of the OCRM to assist States like Texas is crucial. Until recently, Texas has not participated in the CZM program since the 1970's. The Texas Coastal Management Program (TCMP) was negotiated and compromised by residents, recreationalists, businesses, and conservationists. Most of those involved feel that it is not the best plan but it offers many renovations that are important to the Texas Coast and Galveston Bay.

Mr. Chairman, I want to thank you for holding this hearing. I look forward to hearing testimony from our witnesses.

I would like to introduce our first witness today, Representative Anna Eshoo, who is a distinguished member of this Subcommittee and has been a leading proponent of increasing the emphasis and the attention that Coastal Resource Management receives within NOAA.

I thank the gentlewoman for taking the time to bring this issue before the Subcommittee and we appreciate the outstanding work that you have done.

And, my good friend, you can begin whenever you are ready with your testimony.

**STATEMENT OF HON. ANNA G. ESHOO, A U.S.
REPRESENTATIVE FROM CALIFORNIA**

Ms. ESHOO. Thank you, Mr. Chairman.

I appreciate your generous words of introduction and also for your cooperation and willingness to have a hearing on this issue, which you know I have been on since first arriving here last year.

I think it is a good omen that today is the first day of summer. It is also my mother's birthday, so maybe that will be a small blessing on the effort that I am trying to advance.

This hearing today is on the proposal, as you outlined, to elevate NOAA's Office of Ocean and Coastal Resources Management to its pre-Reagan Assistant Administrator level.

As you know, I have been very concerned about the state of our country's coasts and the ability of our local coastal managers to address coastal problems. As a result, I have proposed that the Office of Ocean and Coastal Resources Management be elevated to a line office within NOAA, headed by an Assistant Administrator. I believe elevating OCRM to this level would provide practical as well as symbolic benefits.

Prior to the Reagan Administration's reorganization, NOAA's coastal programs were housed within the Office of Coastal Zone Management—which remains statutorily authorized—and headed by the Assistant Administrator for Coastal Zone Management. Unfortunately, President Reagan's efforts, in my view, buried this program within NOAA's newly established National Office Service.

This demotion sent a signal to NOAA, other agencies, coastal States and the public, that coastal programs were not a priority. But more important than its symbolic value is it has had a deleterious effect on our Nation's coastal programs. That is why I believe it is critical for this Subcommittee and NOAA to understand that elevation will have significant substantive and tangible benefits for our coastal States.

Indeed, those who view elevation of OCRM as merely symbolic can't possibly comprehend how coastal management is currently being dealt with in NOAA and how much more efficient and effective our coastal programs could be managed.

Currently, coastal management is viewed within NOAA's culture as a minor player, a program not critical to NOAA's primary mission. Notwithstanding public disclaimers to the contrary, and NOAA's new strategic plan which identifies attaining healthy coastal ecosystems as one of its highest priorities, coastal programs are not and will not be a priority until they change its structure. At least that is my view.

For starters, an Assistant Administrator would be in a much stronger position to compete effectively for limited funding during the crafting of the Administration's annual budget. They would have essentially a very important advocate at the table for what is designated a priority, but I don't believe is being handled as such.

CZM programs face increasing challenges as a result of growing populations and development pressures. They are also faced with major new responsibilities as a result of the 1990 reauthorization of CZMA. The burden of meeting these demands has been aggravated over the past decade by economic recession and repeated budget cuts.

Indeed, because of cuts, inflation and the entry of more States into the finite funding pool, Federal grants to States actually have decreased over 52 percent in the past 10 years. OCRM needs to be in a better position to fight for these limited dollars.

Another tangible benefit of elevation would be the greater effectiveness of the Assistant Administrator in bringing other Federal agencies to the table to discuss solutions to conflicts arising from State applications of Federal consistency review requirements. Currently, high-level administrators and other agencies often will not meet with the Director of OCRM due to his relative, "low-level status".

Instead, they send more junior staff to such meetings who are unable to make high-level policy decisions; again, diminishing what the effort should be all about. This has led to inefficiencies and a failure of conflict resolution, in some cases. Mr. Robert Knecht, the first Director of the Office of Coastal Zone Management, when the position was at the Assistant Administrator level, confirmed this observation based on his own experience.

Mr. Chairman, I know that you and others who serve on this Subcommittee are concerned about the lack of leadership within NOAA in protecting and enhancing our precious coasts. Seventy percent of our population lives in coastal areas. Many more visit coastal areas and rely upon their economic functions.

Coastal management makes profound difference in the lives and the livelihoods of the public, whether it means protecting beaches and public access, revitalizing waterfronts, or promoting environmentally sustainable shipping, fishing, tourism and recreation industries. I believe that elevating OCRM will strengthen and increase the effectiveness of coastal protection programs around the country.

I am pleased that a representative from NOAA is here today to discuss this issue and I look forward to hearing the Agency's views on this proposal. I also look forward to knowing what other specific proposals they would recommend for overcoming insufficient institutional budget and policy priority for coastal management within NOAA.

As I mentioned earlier, the position of Assistant Administrator for Coastal Zone Management is technically, "still on the books". As a result, this issue can be resolved, as you said in your opening statement, administratively, rather than legislatively.

I look forward to working with this Subcommittee and NOAA on this issue so we can resolve it in the most appropriate manner.

Thank you again, Mr. Chairman, for your leadership on this, for working with us, the staff as well. And I look forward to hearing testimony from the other panelists today.

It has fun being at this side of the table, I have to tell you that. It reminds me of my old days.

Thank you.

Mr. ORTIZ. Thank you.

I don't have any questions for the gentlewoman, but let me thank you, Ms. Eshoo, for sharing your insights and proposals and ideas. There is no question you have been a very strong leader. You have been very helpful to the Subcommittee and to the Full Committee. We will continue to work together.

And if you would like to join us, you know——

Ms. ESHOO. I would like to, thank you.

Mr. ORTIZ. Come right ahead. And then we will get ready for the second panel.

I would like to introduce a second panel which consists of Mr. Douglas Hall, Assistant Secretary of Commerce for Oceans and Atmosphere and Deputy Administrator of NOAA.

Welcome, Mr. Hall, and you may begin with your testimony whenever you are ready.

STATEMENT OF DOUGLAS K. HALL, ASSISTANT SECRETARY FOR OCEANS AND ATMOSPHERE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. HALL. OK. Thank you, Mr. Chairman.

Thank you, Congresswoman Eshoo.

I have submitted written testimony for the record, but I will briefly summarize the points that I would like to make and then have the rest of it included in full.

Mr. ORTIZ. Sure, your full testimony will be included for the record.

Hearing no objection, so ordered.

Mr. HALL. I am Douglas Hall, Assistant Secretary for Commerce for Oceans and Atmosphere, and Deputy Administrator of NOAA. We consider our coastal programs critical to achieving our mission of providing stewardship for the Nation's natural resources.

During a number of years in the 1980's, there were some periods of time in which our coastal programs came under severe attack, and without the help of you, Mr. Chairman, and Congresswoman Eshoo and others in Congress, many of those programs would not have survived. Even though we feel that we need to strengthen those programs, I want to express my gratitude to the two of you for your support during that period of time, in which the Agency faced some very difficult years.

Today, I would like to describe our views on the necessity of establishing a line office and a NOAA Assistant Administrator for Ocean and Coastal Resource Management (OCRM), and also the likely effects of such an action on Federal and State appropriations and public awareness of coastal resource management.

I would like to state first, the Administration shares your support and is fully committed to the reauthorization of the CZMA in 1995. We all want these programs to succeed, and they must if we are to achieve the goal of preserving and properly developing, protecting, restoring and enhancing our Nation's coastal and ocean resources.

This requires a concerted, coordinated and comprehensive effort. We in NOAA are pledged to do that. And the question is, what is the best way for us to accomplish that goal?

We appreciate the Subcommittee and particularly Representative Eshoo's support for raising the level of authority for NOAA's Office of Ocean and Coastal Resource Management. Proper support of all coastal programs, including those of OCRM, are a matter of NOAA-wide concern.

We think it is in the best long-term interest of the resources that we are trying to manage that we carefully consider how we might best implement our coastal responsibilities. We have approached that at NOAA from two perspectives:

When we first arrived and took office a year and a half ago, we began developing a strategic plan. One of the major priorities for us was coastal ecosystem health. This was a programmatic effort that was undertaken to coordinate and integrate the efforts that we have made in the coastal area, to set budget priorities, and to establish clear goals and missions for our Agency. We have come a long way.

There were some initial concerns with the coastal ecosystem health initiative on the part of a number of the constituency groups. We have made modifications as we moved along. It was a far from perfect document, but we feel that it is better to deviate from an imperfect plan than to have no plan at all. So we think we have made some progress in terms of establishing a clearer idea of where we want to be 10 years from now.

The second part of our approach is to move into the issues that have been raised by the Subcommittee today—structural issues, and whether any structural changes need to be made. We have just this week appointed a task force inside of NOAA to study this issue and make recommendations to us by the end of the year as to whether there should be an elevation of the coastal programs to the AA level.

This task force will be headed by Kate Kimball, who is the Deputy Assistant Secretary for Oceans and Atmosphere, and it will include representatives from the National Ocean Service (NOS), the National Marine Fisheries Service (NMFS), the Coastal Ocean Program (COP), and the Office of Oceanic and Atmospheric Research (OAR).

After we have those recommendations, we will be prepared to testify before the Subcommittee next year to discuss whether OCRM should be elevated. As you pointed out, Mr. Chairman, if this action could be taken administratively, that is clearly an option that we would examine.

At this time I would like to point out to the Subcommittee changes that have taken place since the Carter years. During the Carter years, OCRM included several other functions of NOAA that are not part of OCRM at this point. Simply elevating OCRM to an AA status, at this point, would not restore the status quo to where we were during the Carter years.

Given the shortage of resources that we have and the need to maximize their use, and recognizing that the coastal problems we face are great, we feel that a deliberative process will best mobilize the resources inside NOAA to look at this issue.

In the process of this review, we are going to consult with all of the constituency groups, with the States, with industry, port authorities, environmental groups, and others, to see how we can best

implement the national dimension of coastal and ocean stewardship, as well as our continued support for State, local and private sector partners and their important contributions to assuring the sustainable future these resources require.

Let me conclude with just a little bit of context of how we entered office and what we have been trying to do since we took office last year.

There were a number of years in the 1980's, every year from 1982 to 1988, the administration then in power requested zero funding for the Coastal Zone Management Program. We entered office at a time in which there was a severe fiscal constraint and we had a number of fiscal concerns within NOAA. But despite that, we have tried to provide more funding for the coastal programs and to also provide more recognition.

One of the first things we did was consult with the Coastal States Organization and others concerned with these issues. One of our priorities was to recruit someone from the ranks of the State coastal managers to run the program.

We did that, and we are proud to have Jeff Benoit heading OCRM. He has been a very effective leader for an organization that has been demoralized and has had to face some very serious challenges in past years. I think he has done a terrific job in reestablishing that organization.

We have also stabilized and provided some increases in OCRM's budget since we took office, but not as much as we would like to. We faced a fisheries crisis when we came into office, with almost half the stocks in the country overfished; a fishing crisis in New England, a fishing crisis in the Northwest. And in dealing with that fisheries crisis, we have provided an extra \$50 million in the National Marine Fisheries Service budget.

We placed a very high priority on coastal programs, too, as we went in and fought in the budget process. We were able to accomplish a significant increase for the Fisheries Service in fiscal year 1995, in the President's request. We are working very hard to make similar progress in the coastal area.

We also have incorporated the Coastal Zone Management Program, the National Estuarine Research Reserve Program, and the National Marine Sanctuary Program in planning for the President's Ecosystem Management and Sustainable Development Initiatives. We have recognized the value of these programs in achieving the goals of NOAA's strategic plan.

We are developing a new center for Coastal Ecosystem Health in Charleston, South Carolina, that will be funded at the rate of \$10 million a year in order to provide technical support and advice for State coastal managers and local coastal managers.

We have given priority consideration to State program needs in the Coastal Act Change Analysis Program. Also we have provided NOAA's National Ocean Service (NOS) support for partnership projects which must be undertaken by at least two NOS offices in cooperation with a coastal, State or local agency. This is a very innovative program instituted by Stan Wilson, the AA for the National Ocean Service, and has provided a financial incentive to get people inside the Agency and also the State managers to cooperate and carry out a program.

I think that OCRM has undertaken examining the concept of ocean governance, and I believe OCRM will be a leader in that effort as we deal with some very tough issues next year and in the years ahead.

I will conclude with that, Mr. Chairman, and members of the Subcommittee, and tell you that we are committed to this area. We would like to have more money to put into it, and we are trying to make the most effective use possible of the resources we have.

Thank you.

[The statement of Mr. Hall can be found at the end of the hearing.]

Mr. ORTIZ. Thank you, Mr. Secretary.

I will have a few questions, then I would yield to my colleagues here.

As the Subcommittee intends to consider the coastal zone management reauthorization legislation later this session, and does not intend to pursue additional hearings on the Coastal Zone Management Act next year, what sort of timeframe do you envision for establishing the task force and obtaining its findings that you mentioned in your statement?

Mr. HALL. We are going to have all the membership on the task force by June 27th, and have a report back to us before the end of the year. We think that it is important to have consultation with the various interest groups and we feel like that is an aggressive schedule given the consultation that is required.

Mr. ORTIZ. Very good.

My next question has two parts. First, how would NOAA respond to assertions that the OCRM in its current position does not have sufficient authority to intervene or engage effectively in the balance of power disputes between the States and the Federal Government over implementation of Federal consistency provisions?

And second, as a follow-up onto the first question, do you believe elevating OCRM will improve NOAA's effectiveness in dealing with Federal consistency reviews?

Mr. HALL. Well, Mr. Chairman, on several occasions since I have taken office, I have intervened personally in consistency actions. We have given them a very high priority. We haven't hesitated to back up OCRM when necessary on these issues. We consider them critical to carry out our mission.

I think that there are a lot of things that go into deciding whether an elevated OCRM would be more effective in the future. OCRM's status within the National Oceanic and Atmospheric Administration is one factor, also increased funding, and a better relationship with the States; there are a number of factors that would fit into that.

Elevating OCRM is one of the issues we would look at. I think that if OCRM was elevated in its current status—as OCRM is presently constituted, I am not sure that elevation would be as beneficial as if you had a comprehensive program that provides more technical service and other services to the States.

Mr. ORTIZ. I would like to yield to the gentlewoman from California, Ms. Eshoo, for questions.

Ms. ESHOO. Thank you, Mr. Chairman, and thank you, Mr. Hall, for your enlightening testimony.

You mentioned, and I applaud you for doing so, the putting together of this high-level task force to study the issue and then conclude by making recommendations at the end of this year. Is that correct?

Mr. HALL. Yes.

Ms. ESHOO. As I heard it, and maybe I didn't catch it right, it really is comprised of other existing Assistant Administrators; correct?

Mr. HALL. No.

Ms. ESHOO. No?

Mr. HALL. We have asked the various line offices to provide representation, and we are going to look at that very carefully to make sure that the appropriate subelements from inside NOAA are represented.

Ms. ESHOO. What concerns me in this is the obvious things that happen with human nature being what it is. And that is that there is a protection of turf. So if you bring people to the table that with much legitimacy are going to protect their own turf first, where would the give be?

And I wonder how we would get around this so that when their recommendations or the outcome of their analysis and their study at the end of the year is produced, that hopefully that element will not be a part of it.

Mr. HALL. Congresswoman—

Ms. ESHOO. It is a sticky wicket, but it is still something that, in many ways, common sense would say it needs to be addressed. And I wonder what kind of thought you have given to it?

Mr. HALL. I have given a lot of thought to it. I am not sure I have too many answers. If you come up with the answer of how to deal with bureaucratic turf-fighting. I would like to hear that answer. But we are going to deal with this from the corporate level. The head of this task force is the Deputy Assistant Secretary.

She will be working directly with me and the Under Secretary for Oceans and Atmosphere in coordinating this effort. And we are going to make sure that we take a corporate approach, rather than just looking at it narrowly from the interests of one line office or the other.

Ms. ESHOO. This is more of a comment than a question, and I noticed in your testimony that the word "manage" wasn't used a great deal.

Mr. HALL. It was in the written testimony they had provided to me.

Ms. ESHOO. All right. It is something that I am very sensitive about in this entire area, because obviously what we need to be doing is assisting our coastal managers do the managing. I mean that is really essentially what it is about. So I understand that there are—there is, you know, high science and research work that is done, but if there is not an optimum fit and is not integrated with the management, then I think that we would be missing the mark.

So I just offer that as a comment, and I am sure that you have some thoughts on it.

Do you want to comment—

Mr. HALL. Yes, under the President's Science and Technology Council, we have established a new Committee on Environment and Natural Resources to look at the research needs across the government. And I chair the Water Subcommittee of that effort. It is an attempt to have a better coordinated or more effective research operation, and one of the priorities that I placed on that is making sure that we can show some results.

The way you show results is that you provide research that has immediate management application. You see how effective it is, then you have a feedback mechanism for refining your research needs and making sure that they are directed at the most critical problems that we face.

We still should maintain a very solid research base nationally to engage in fundamental research and to do a lot of the type of research that you alluded to earlier, but we also need to make sure that we don't put all of our effort into those areas and then not have any practical results to show in the short term.

Ms. ESHOO. This is, I think, perhaps more of a comment than a question, but I will still ask the question. I really do believe that NOAA knows best how to make the necessary changes in this. And I would hope that there will be an administrative solution rather than having to take it through the legislative route, but if we had to do the latter, I think that there is or could be generated the right kind of support for it.

Mr. HALL. Do you think that there really is the will inside to do it, though?

Ms. ESHOO. I think it is tempting to say yes, when maybe it is not so. But I hope that the will is there, because it would just, I think, speak volumes about the Agency that is really charged with protecting our coasts.

Mr. HALL. Well, Congresswoman, one of the first briefings that I had was with the National Marine Fisheries Service, and they talked about their habitat program. Then I had a briefing by the National Ocean Service and we talked about the efforts that were being made in the coastal zone. I asked staff at NOS, do you ever help the National Marine Fisheries Service with their habitat programs? The answer was sort of a blank look.

The same thing happened on the other side with the National Marine Fisheries Service. I think we recognize that we need to have a more effective approach to the coastal area, and we consider it a very high priority.

One of the things that happens to you in these positions is that you get buffeted by the crisis of the day. Your legislation has clearly helped focus us and focus attention on this issue in a way that might not have happened without your intervention.

So at least we had intended to do it, but this forces the timetable a little bit quicker. I think that is very productive and will be helpful to us.

Ms. ESHOO. Well, thank you.

I believe the Administration is coastal friendly, but I also understand as a legislator that good things are temporary and that bad things become permanent and can do permanent damage. And I worry about a time, whether I am here or not, when there might be an administration that would not be as friendly. So, you know,

if in fact the Agency itself does and will exercise the will, I guess political or administrative will on this, then I hope it will inoculate the people there for a day when that other kind of administration comes. But I still think that it is obviously important to do.

I am going to stop now, and I look forward to working with you and Mr. Baker and everyone at NOAA. And so that we can say to another generation that we were worthy trustees of real crowns in the jewels of America, our coasts.

Thank you.

Mr. HALL. OK. Thank you, Congresswoman.

Mr. ORTIZ. Gentlelady from Maryland, Mrs. Bentley.

Mrs. BENTLEY. Thank you, Mr. Chairman.

Mr. Hall, this task force that you are talking about, is that going to be focusing primarily with the question of raising OCRM up, the level up to the Assistant Administrator level, or is it going to cover a lot?

I was not here for the early part of your testimony.

Mr. HALL. Congresswoman Bentley, I think that the mandate will be somewhat broader than that. We feel the need to integrate all of our efforts in the coastal area from across the different line offices inside of NOAA. So I think it is how we can most effectively address our coastal issues. And if that involves structural changes, that would be one subject that would be examined. But I think it is somewhat broader than that.

Mrs. BENTLEY. Then if you are—as you approach the particular subject we are on today—will you explore and include in the study the true costs associated with raising OCRM to the Assistant Administrator level?

Mr. HALL. Yes, Congresswoman, that will be part of the analysis.

Mrs. BENTLEY. And determine whether or not those costs would take away from any other NOAA programs?

Mr. HALL. Yes.

Mrs. BENTLEY. If there is an additional cost, what are we going to lose over here? Is there a chance in making this adjustment that there will be a new—a true new Federal bureaucracy?

Mr. HALL. Congresswoman, we haven't made a decision as to whether there would be any reorganization or not, but we take those issues very seriously. And our goal is to get many resources for providing services for the States and to addressing these really serious coastal problems. Anything that would detract from that would be a serious negative for us.

Mrs. BENTLEY. I have to look at the comment that Mr. Weldon as the Ranking Member on this Subcommittee made in his opening statement, that unfortunately elevating an office can also result in an increased overhead, increases which can quickly soak up any additional resources. So are we taking away here and putting over here? That is one of the problems we must face in this day and age.

I may have some other questions to submit, Mr. Chairman.

Mr. ORTIZ. Mr. Hall, I know some members wanted to be with us today but there is so much going on in other committee hearings, that some of us will submit questions to you so that you can respond later on.

But let me thank you for your insights on this matter, your testimony. I think NOAA realizes how important these issues are for

the Subcommittee, how committed we are to increasing the importance of Coastal Zone Management within NOAA. I hope and believe that NOAA will work with us to ensure that this goal is achieved.

Again, we thank you for being with us today and for sharing some of your thoughts with us and your testimony this afternoon.

Mr. HALL. Well, again, thank you, Mr. Chairman, and members of the Subcommittee, for your support and your help and your interest in this issue. They are certainly at the top of our list of priorities.

Thank you.

Mr. ORTIZ. Thank you, sir.

Mr. ORTIZ. We will have a brief moment so that the next panel can arrange themselves.

Ms. ESHOO. [Presiding.] Welcome.

I would now like to introduce the third panel, which consists of representatives of our coastal States and the environmental community.

Our first witness is David Slade, the Executive Director of the Coastal States Organization, and following Mr. Slade's testimony we are going to hear from Dr. Sarah Taylor-Rogers, who has a wonderful hat on, Executive Director of the Chesapeake Bay Critical Area Commission.

Is that anything like BCDC in California?

Ms. TAYLOR-ROGERS. Similar to it, yes. Matter of fact, we did a little bit of borrowing from California and other places.

Ms. ESHOO. Good. It is a wonderful thing to borrow from. I served on that commission for 10 years.

Ms. TAYLOR-ROGERS. Well, thank you.

Ms. ESHOO. And last but certainly not least is Beth Millemann, the Executive Director for the Coast Alliance. So welcome to each one of you.

Thank you for your willingness to testify before us.

And we will start with Mr. Slade.

STATEMENT OF DAVID C. SLADE, EXECUTIVE DIRECTOR, COASTAL STATES ORGANIZATION

Mr. SLADE. Thank you, Congresswoman.

On behalf of the Coastal States Organization, thanks for the opportunity to be here today.

I would like to applaud your efforts first off for taking this issue which has really been in the grumbling stage for 10 years to front and center. Really do appreciate that.

Also, want to preface my remarks by saying there is some irony here today with our remarks in trying to re-elevate OCRM in view of what we believe is a really superb job being done by several of the officials within NOAA right now.

I think Dr. Stan Wilson and Jeff Benoit both deserve a great deal of credit for the job that they are doing. And the remarks that I bring to the table today anyway are somewhat colored by the last 12 to 15 years, rather than the last 12 months.

Having said that, I first came to Washington in 1980 and had the good fortune of getting a job with NOAA. It was my first job out of graduate school.

At that time Jimmy Carter was President. Dr. Robert White was administrator of NOAA, and I did a lot of different things within NOAA. I didn't work directly with the coastal programs, but I was very aware at that time of the high, if not the top, priority that NOAA gave to the coastal programs, which were then housed within OCZM.

The top level placement of the coastal agency at that time was also strongly supported by Congress. In fact, in 1976, Congress recognized the level of Assistant Administrator was not sufficient for the Director of OCRZ—OCZM, because that level, "does not reflect the importance of the Coastal Zone Management Program within NOAA or the Department of Commerce". So in 1976 the post of Associate Administrator for CZM was created by Congress.

In 1980, when I first started at NOAA, the coastal program was very much in its developmental stage, with only 20 State coastal programs having received Federal approval. Within NOAA, however, it was clearly recognized that the National Coastal Resource Management Program was just that, it was a management program.

At the end of the Carter Administration, OCZM was structured to make use of the excellent scientific and research capability of the many oceanic and research programs within the Agency. This vast research base was channeled up to OCZM in order for that Agency to support its resource management mission.

With the incoming of the Reagan Administration, there was a tremendous change brought about within NOAA, and it was interesting for me as a student at that time to see what a change of Presidents means in this town. And one of the changes from Carter to Reagan was the word came down that NOAA was not a management agency, it was not a regulatory agency, NOAA was to be, pure and simple, a research and science agency. And the concrete evidence of this new policy was the dismantling of OCZM and the demotion of the program down to what was then newly named the National Ocean Service.

This policy that NOAA is not a management agency but only research and science agency, seems to live on. It was a major policy shift invoked by the Reagan Administration that seems to be inherited by the current Administration. But to this day, NOAA remains much more of a science-oriented agency. Apparently, still somewhat uncomfortable being in the resource management business. We hope that this changes.

Another perspective I first heard with the incoming Reagan Administration was that the Coastal Management Program was just a pass-through program. That is, the Federal appropriations granted by Congress simply passed through NOAA to the coastal States, making NOAA nothing more than a grant processing agency.

This is yet another Reagan era misperception, a misperception that the current Administration doesn't seem to fully shake off. Because I continue to hear during the budget process questions from NOAA, why should NOAA go to bat to increase Federal funding for a pass-through program?

Well, that pretty much ignores what has been a basic tenet of the national CZM program since its inception. And that program is a partnership program.

It is a partnership between the Federal Government and the coastal States. On the one hand, the State partners implement the on-the-ground program, they are reviewing permits, working with Federal agencies, working for erosion and coastal hazard prevention.

On the other hand, the Federal partner is there to assist the States with technical assistance. The technical assistance should be developed from the science and research base within the Agency and developed into real usable products that can be utilized by the States out in the field. The message is that the States simply cannot implement the program well in the field without a frank, active Federal partner.

So in closing, I would like to leave the Subcommittee with the consideration that NOAA should come to terms that it is, if it hasn't always been, more than just a research and science institute. It is an Agency with broad resource management responsibilities. It is an Agency that is a necessary partner in the national CZM program.

One clear, concrete step that NOAA could take from our perspective is to demonstrate that it is truly a new Agency in a new era, that is obviously to elevate the Office of OCRM back to a level necessary to achieve its resource management mission.

I will end there, and thank you.

[The statement of Mr. Slade can be found at the end of the hearing.]

Ms. ESHOO. Well, I want to thank you for your excellent testimony, but also for your devotion. That can't be measured, really, and I don't think that word is used very often around here. But you are devoted, not only to this issue, but obviously to the coasts of our Nation.

So thank you for all the help that you have given to me and to my staff and the direction to kind of a new "kid on the block."

I thank you.

The bell has gone off, we have 15 minutes to vote. So I am going to ask that you allow us to go and vote, and we will be back and we will start with Dr. Rogers' testimony when we return, OK.

So you get just a little ice water break here, how's that?

Thank you.

[Recess.]

Ms. ESHOO. Thank you for your patience in waiting, and now we will go to Dr. Taylor-Rogers.

Welcome.

STATEMENT OF SARAH J. TAYLOR-ROGERS, PH.D., EXECUTIVE DIRECTOR, CHESAPEAKE BAY CRITICAL AREA COMMISSION

Ms. TAYLOR-ROGERS. Thank you.

Ms. ESHOO. And thank you.

Ms. TAYLOR-ROGERS. Congresswoman Eshoo, thank you very much for the kind invitation to be here. I am representing the State of Maryland, but as usual, before I came I made several phone calls to my neighboring States and commonwealths, just to get their perspectives on things.

I have submitted written testimony, but at the risk of departing from that, there are basically three points that I would like to

make. In this regard I recognize the tremendous positive effort that has gone forth with the new Administration, with Dr. Stan Wilson, and with Jeff Benoit, whom I have had the pleasure to serve with on Coastal States Organization for a number of years.

This is a management program. You have heard this mentioned several times, also by yourself. But it attains its strength because it is a management program. It is a program that is a partnership, a very unique one at that, recognizing that Federal agencies and State agencies and local governments together must move forward in identifying and managing the resources to the best of our abilities, given the demands and the growth pressures placed upon our coastal resources.

Whatever is decided by this task force mentioned by Mr. Hall, I would hope that the task force would recognize that management is the key and that the strength of our coastal resources, the resiliency and their future existence, will depend very much upon that key word—management.

The second feature that I hope the task force will consider will be that of Federal consistency. Maryland has not been all that active a State in applying the Federal consistency provisions. And it hasn't because basically, the Federal agencies have pretty much honored and worked with the State Coastal Zone Program through their activities along the Chesapeake Bay and along the tributaries within the State.

In a couple of instances, however, we wished we could have had the clout coming from a visible person, as opposed to what was perceived at the time of being a disparate effort, through encouraging (and maybe pounding the shoe on the table), through emphasizing what is a very, very unique part of the Coastal Zone Management Act. And that is Federal consistency.

If we are to manage our resources effectively at the State level, we must have a strong counterpart among our Federal agencies at the Federal level. And in looking at the elevation of Coastal Zone Management, I would hope that the task force would really keep this very strong feature in mind as it considers how to organize such an effort.

And finally, the area of science. Science and research is wonderful. Our Federal counterparts have been able to look into areas that our State universities have not been able to, simply because there is such a high demand for state-of-the-art research in a number of arenas.

One arena that I can particularly mention is with nonpoint source and looking at Section 6217 under the reauthorized Coastal Zone Management Act. We in Maryland are approaching this section through a tributary strategy approach and trying to tie land use, pollutant loadings, into an overall reduction of nutrients in our tributaries by 40 percent.

And to enable us to do that, we need information not just for fisheries, we need information not just on land use, we need information not just on pollutant loadings, we need a comprehensive strategy to enable us to attain what we need to, to meet the mandates under the Coastal Zone Management Act.

And I would hope as a former State Manager of Maryland's Coastal Zone Program, that the task force will look seriously into

how can the science and research not only within NOS, which Mr. Hall pointed out, but also within NOAA and with other entities and units within the Department of Commerce; how can they best be aimed so that what is yielded will produce an overall applicable, implementable strategy that we as State partners to this Federal law can carry out and use to make a difference for future generations as stewards of our coastal resources?

And I would like to thank you very much for the opportunity to be here.

Ms. ESHOO. Thank you for your excellent testimony, and for all the great work that you have done and continue to do. We appreciate it. The country is better because of people like you.

[The statement of Ms. Taylor-Rogers can be found at the end of the hearing.]

STATEMENT OF BETH MILLEMAN, EXECUTIVE DIRECTOR, COAST ALLIANCE

Ms. ESHOO. And now a welcome to Beth Millemann, the Executive Director for the Coast Alliance.

You may proceed.

Thank you for being with us.

Ms. MILLEMAN. You are welcome. Thank you for inviting me.

The Coast Alliance is a national coalition of leaders who are active on all four of the Nation's coasts, the Pacific and Atlantic and Great Lakes and Gulf of Mexico. We work with a coalition of about 100 groups who are active on ocean dumping issues, and around 200 groups who are active on coastal development issues. So the concept of the elevation of OCRM to line-item status is one of great interest to the environmental community and the network of groups with whom we are actively engaged.

I think there is a kind of a background reality that has not been discussed too much in today's hearing, that has more issues of process and management, and needs for elevation have been discussed from that kind of perspective, from a process and a management perspective.

But I think the background reason for why all of us are very supportive and interested in the elevation of OCRM is because America's coasts are in dire need of additional attention, within NOAA itself, within the Administration, within Congress, and within the general public. And the reason that the environmental community strongly supports elevation is as a method to increase the visibility of coastal issues with lawmakers and regulators and also within the general public.

We want to point out just briefly some facts that you are too aware of, and that many of the members of the Subcommittee and Full Committee are as well, but are really the drum pounding in the background for why we need to be giving more focus and attention to coastal issues.

Population growth. More of us are moving to the coasts, more of us are on the coasts. Unbelievably, about 110 million people, about half of the Nation's population, now lives in a Great Lakes or marine coastal area. NOAA did an excellent study of coastal population trends and concluded that in the 50-year period in 1960 to the year 2010; the coastal population is going to explode by about

60 percent nationwide. So the concentration of people living in this most fragile but productive region of the country is quite phenomenal when compared to inland areas or other areas of the Nation.

This rush of people and rush of development and rush of uses that accompany human development is having an immediate impact on coastal habitat. We continue to lose about 31 square miles of coastal wetlands every year. And wetlands are indeed nature's nursery.

The Fish and Wildlife Service has reported that about 75 percent of the commercially important fish species spend some part of their lives in coastal wetlands. So it is no coincidence that every acre of wetlands we lose is another amount of corresponding fish loss or a corresponding pressure on fish habitat and fish vitality.

Along with this onrush of people to the shore, we have our estuaries and waters and other recreational fisheries put into a very stressful situation. We are looking at not only wetlands loss, but we are also looking at threats to the fishing industry which in total pumps in about \$16.5 billion into the Nation's economy.

Many times when discussions of coastal management are held, the only economic interest that is discussed is the need to do coastal development. One thing we like to point out is that there are many other economies that the coasts support, most notably the fishing economy, both recreational and commercial. Wetlands themselves, too, in terms of habitat, are important to that, as I mentioned earlier, but they are also important for other purposes, protection from flooding, retaining storm waters, purifying water supplies.

In fact, NOAA has tried to put a numeric estimate of the value of wetlands and has looked at the Pacific Coast, a range of about \$2,200 in value per acre of coastal wetlands, because of the variety of functions they perform. And about \$10,000 per acre along parts of the Florida and south Atlantic Coast.

The development along the Nation's coasts also brings with it an enormous amount of polluted runoff. About, unfortunately, 1.2 million acres of coastal waters and 5,000 square miles of estuarine waters were listed just a few months ago by EPA as either threatened or impaired.

In the Great Lakes, for example, Michigan has something in the order of 90 percent of its beaches closed for recreational swimming or fishing in waters that are unable to sustain the Clean Water Act's goals of fishable, swimmable waters. We also have a problem with contaminated sediments that line the Nation's ports and harbors and coastal bays and sounds, which are also a product of the onrush of development to the Nation's coasts.

So we really feel that the Nation's coasts are at a critical point in their protection, and we feel that the need to move forward to protect this ecological resource is an absolutely strong reason for why OCRM should be given higher profile within NOAA and in turn a higher profile within the Administration and Congress and the general public.

Thank you for the opportunity to speak on this today.

[The statement of Ms. Millemann can be found at the end of the hearing.]

Ms. ESHOO. Thank you to each one of you.

I couldn't mean that more. In listening to scores of people testify before committees, sometimes it really sounds like a lot of white noise. I can't figure out quite what people are talking about. And today it was the exact opposite.

You gave very clear, concise and helpful testimony. And I really appreciate that.

Of course I am somewhat biased, too, but still, I think that you really have done a terrific job.

Let me ask a few questions.

Oh, darn, is that the bell going off again?

Well, I think I can get a few in here. There isn't anyone else here, so I can run fast over to the Capitol.

To Mr. Slade, you mentioned in your testimony that re-elevating OCRM could be accomplished at little or no cost. This is an issue, of course, that many will raise. I think each one of you touched on it.

Could you expand on this just a little bit, so that I can still go over and vote, but still give me a flavor of how you would do this?

I think the three of you should be on this task force.

I wish Mr. Hall were still here so we could ask him that. I think he could give some great direction.

Mr. SLADE. We would welcome that ourselves, I think.

Ms. ESHOO. I think I will write to him and suggest it.

Mr. SLADE. The challenge here isn't to elevate a super OCRM and create this vast new Agency. I think NOAA is going in the right direction now with its integrated coastal management approach.

Whether it is habitat within NMFS or satellite imagery within the Weather Service or research that is being done in OAR, other programs within NOS, and I think Dr. Taylor even mentioned programs within the Department of Commerce—if I could touch on that, because the CZM program really does deal with coastal economies and there are programs within the Department of Commerce outside of NOAA which could be activated or integrated into this.

I think that you can keep OCRM relatively the same size it is right now, but position it so it can tap into all of these programs sprinkled throughout NOAA and in the Department. And the request for assistance to this management program going into the research and science and technical programs within NOAA, the request comes from up above rather than from the position—I mean where OCRM currently is, as dedicated and as professional as they are, the request over to a Weather Service program to help out, the Weather Service, they are responding to their own crises over there, and it is a plea for help that they often don't respond to. But if the request comes from next to the Under Secretary's Office, the response will be totally different.

So to answer your question, we think that it can be done through an integrating approach rather than a clustering of all these programs into one. And I assure you that the Coastal States Organization, having fought battles to preserve the low level of funding these programs get, we are fairly penny-conscious. And we are not in favor of augmenting the administrative overhead.

I think my friends at NOAA will say they have heard that from me before.

Ms. ESHOO. It is not my goal, either. You know, if the end result of this is an enlarged bureaucracy—and I say that with some respect and affection as well—because, after all, we depend on good, solid professional people to carry out the noble things that we place on the books or that we guard. But we just want to get this job done and get it done better, and what you have said is really very helpful.

On the issue of Federal consistency, how would elevating add to this?

I think, Ms. Millemann, you touched on this, didn't you, on Federal consistency?

Would it make it any more effective?

Or was it you, Dr. Taylor?

Ms. TAYLOR-ROGERS. I think I am the culprit.

Ms. ESHOO. Hardly.

Ms. TAYLOR-ROGERS. Federal consistency, yes, I did mention that. Federal consistency is an anomaly. It is probably one of the strongest parts of the law that enables States to put forth their agenda, their State agenda, their coastal program. We need Federal Agencies to honor that agenda and to follow that agenda. And if you have a Federal Agency that is not perceived as being in a strong position to work with its fellow agencies in making sure that their activities do follow the States' programs and criteria and regulations, then it makes it very, very difficult for the overall effectiveness of a State program to achieve its goals of resource management.

And right now the States perceive there not to be a very strong visible focal point for Federal consistency. And it is viewed as being something that in the past has been given lip service. That is not to say that the new Administration has not had some very difficult issues to grapple with. It needs to be strengthened and it needs to be drawn to the attention of the Army Corps of Engineers, of Navy, of the Environmental Protection Agency, of Fish and Wildlife Service. After all, each one of these agencies holds a nugget of activity.

Ms. ESHOO. Great, thank you very much.

This concludes the testimony for this hearing, and on behalf of all of my colleagues and of course the Chairman, I want to thank each one of you. You gave great testimony today.

We are going to make very good use of it. I know that I will. I am sure that there will be members that would like to submit questions in writing and I know that you are more than willing to respond to them in writing.

Again, I want to thank you and I look forward to working with you so that we can achieve the goals that have been stated today in the best and the smoothest way possible. I think that what you are doing is paving the way for that.

So thank you very, very much.

And thank you to everyone that cared enough to come today and listen in on the hearing.

[Whereupon, at 3:31 p.m., the Subcommittee was adjourned, and the following was submitted for the record:]

TESTIMONY
OF
DOUGLAS K. HALL
ASSISTANT SECRETARY FOR OCEANS AND ATMOSPHERE
U.S. DEPARTMENT OF COMMERCE

BEFORE THE

SUBCOMMITTEE ON OCEANOGRAPHY, GULF OF MEXICO
AND THE OUTER CONTINENTAL SHELF
COMMITTEE ON MERCHANT MARINE AND FISHERIES

U.S. HOUSE OF REPRESENTATIVES

JUNE 21, 1994

Mr. Chairman and Members of the Subcommittee, good afternoon. I am Douglas Hall, Assistant Secretary of Commerce for Oceans and Atmosphere and Deputy Administrator of the National Oceanic and Atmospheric Administration (NOAA). It is a pleasure to appear before you today on behalf of NOAA to participate in the second of your series of oversight hearings on the Coastal Zone Management Act (CZMA).

In response to your invitation Mr. Chairman, I will describe our views on the necessity of establishing a line office and a NOAA Assistant Administrator for ocean and coastal resource management. As requested, I will also speak to the likely effects of such an action on Federal and state appropriations and public awareness of coastal resource management. We appreciate Representative Eshoo's specific interest in this subject and are pleased to be here to present our views.

Before starting, I would like to first recognize this Subcommittee's past and present support for NOAA and the Nation's

coastal and ocean management programs. The Administration shares your support and is fully committed to the reauthorization of the CZMA in 1995. We all want these programs to succeed; and they must if we are to achieve the goal of properly developing, protecting, and enhancing our Nation's coastal and ocean resources.

The concept of re-establishing an Assistant Administrator and a line office within NOAA for Coastal Zone Management is not new. It has arisen in the past as Members of Congress sought through reorganization to place priority on coastal and ocean management programs within NOAA, and within the larger Federal community.

We appreciate the Subcommittee's, and particularly Representative Eshoo's, support for raising the level of authority of NOAA's Office of Ocean and Coastal Resource Management (OCRM). It is important that we consider carefully how best to implement our coastal responsibilities. To that end, NOAA Administrator Baker is establishing a task force to review the organizational status and effectiveness of coastal and ocean programs within NOAA, and to explore the need for any organizational changes.

We will consult with the states, industry, port authorities, environmental groups, and others to see how NOAA can best implement its responsibilities for coastal and ocean stewardship, including supporting our state, local and private sector

partners. We intend to discuss our findings when we appear before this Subcommittee at hearings on CZMA reauthorization legislation during the First Session of the 104th Congress.

Our goal is to address the fundamental concern of applying resources effectively to improve the quality of our coast. This focus on program effectiveness has been a priority task of NOAA leadership since we took office just over a year ago.

NOAA Initiatives In Support of Ocean and Coastal Resource Management

Many of NOAA's ocean and coastal management and stewardship programs are housed within the Office of Ocean and Coastal Resource Management (OCRM). OCRM is one of four offices of the National Ocean Service (NOS). NOS actively has sought to identify the needs of state resource managers in order to provide the products and services they require. NOS has established an Integrated Coastal Management review team to examine NOS capabilities. Through the services of the California Coastal Commission, NOS obtained state CZM managers' opinions nationwide on their needs and requirements for products and services.

This year, NOS established an innovative awards program to promote internal program coordination in support of coastal management. In order for "Partnership Proposals" to be eligible for funding, they had to demonstrate the cooperation and

commitment of at least two NOS line offices, as well as the active participation of an external partner such as a state CZM program, National Estuarine Research Reserve, National Marine Sanctuary, or local government. Twenty final proposals were reviewed and six were funded to address environmental and management concerns in the Tijuana River, central California, Monterey Bay, San Francisco Bay, and Gulf of Maine regions and to improve shipping and navigation in the New York-New Jersey Harbor. We fully anticipate this process will be expanded in 1995.

OCRM recently has implemented actions to improve communication and support among OCRM's programs. A case in point is this year's March meeting of OCRM headquarters staff and the managers of the Nation's coastal zone management programs, estuarine research reserves, and marine sanctuaries. Considerable progress was achieved in joint planning on ocean governance, CZMA program implementation and reauthorization, and regional cooperation.

Special cooperative efforts are supported with the resources of the Coastal Zone Management Fund (CZMF). For example, the Program Managers' meeting was preceded by a workshop, involving state CZM public affairs officers and sanctuary and reserve education coordinators, to begin development of the first OCRM-wide national education program. To support strengthened regional management by the states, OCRM has initiated regional

coastal and ocean management conferences for the Gulf of Mexico, the Gulf of Maine and the Pacific.

In the broadest sense, NOAA has developed its Strategic Plan to address, perhaps the most widely known among other objectives, our approach to managing our coasts and oceans. Through this strategic planning process, NOAA has combined its scientific and resource management talent in an effort to develop comprehensive, coordinated strategies for improving the health of our Nation's coastal ecosystems. The Strategic Plan forms the basis for the President's FY 1995 budget request for NOAA.

As Dr. Baker noted in his March 2, 1994, testimony before this Subcommittee, NOAA has requested a 13 percent increase for its environmental stewardship programs. This includes level or increased funding for coastal zone management, coastal nonpoint source pollution, national estuarine research reserve and national marine sanctuary programs. It is unlikely that these decisions would have been changed in any substantive way by an organizational change affecting OCRM, nor would state funding participation have been likely to change.

Progress continues this year in coordinated NOAA-wide program planning through participation in the Coastal Ecosystem Health Initiative by team members from OCRM and the Office of Ocean Resources Conservation and Assessment (ORCA) in NOS, the National

Marine Fisheries Service (NMFS), the Sea Grant Program, the National Environmental Satellite, Data, and Information Service, the Coastal Ocean Program, and the Office of the Chief Scientist. This second year of progress has seen growing cooperation at the staff level among these NOAA offices. Cooperation in coastal and ocean management functions will pay off in long term on-the-ground improvements as new working patterns are established, focused, and targeted toward resource improvement.

Among the issues under discussion this year is how the resources of NOS, Sea Grant and NMFS can improve public awareness of the Nation's coastal resources. In response to the Subcommittee's , specific request concerning the effects of the elevation of OCRM on public awareness of coastal resource management, I believe this initiative and the previously discussed OCRM education initiative illustrate that improved public awareness is a NOAA-wide priority.

An example of ongoing progress in the linkage of NOAA science to NOAA management is the first formal participation of OCRM's programs in the Coastwatch Change Analysis Program (C-CAP). C-CAP, which applies satellite technology to identification of changes in the oceans, is managed by the NMFS' Beaufort laboratory and is supported by Coastal Ocean Program funds. C-CAP is now, for the first time, supplemented by OCRM funds.

An important new NOAA initiative in support of coastal resource management and stewardship at the Federal, state, regional, and local level is the developing national Center for Coastal Ecosystem Health in Charleston, South Carolina. The purpose of the Center is to bridge the gap between science and management by using state-of-the-art monitoring, data management, and analysis technology to support the development of management-oriented products and services. When fully operational, the Center will employ about 100 people in coastal resource management, scientific, engineering, and data and information management fields. The Center's Director will report to the NOS Senior Scientist, maintaining a direct link to NOS' coastal management programs.

To ensure that the Center truly will meet management needs, NOAA's development efforts have included participation by staff from throughout the Agency as well as representatives from state CZM programs, other state agencies, estuarine research reserves and marine sanctuaries in the southeastern United States. OCRM chaired the inter-disciplinary team responsible for defining the requirements and start-up projects for coastal management services and training. Prominent among initial issues to be addressed are support of state coastal nonpoint source pollution program development and implementation; a technical advisory service for habitat restoration; development of an easily accessible National Coastal Zone Information Center which will

provide specialized information on legal, regulatory, and non-regulatory management techniques for addressing coastal problems; improved Geographic Information System capabilities linked to ongoing systems in the southeastern states; and the testing of new approaches to monitoring the ecological health of coastal waters.

You also will find NOAA serving in the role state governments have asked of it -- providing high level visibility and representation of coastal and ocean management programs in the larger Federal community with issues ranging from environmental quality to economic development.

OCRM staff serve on the Subcommittee on Biodiversity and Ecosystem Research of the National Science and Technology Council's Committee on Environment and Natural Resources. OCRM has been a key player in the development of the coastal nonpoint source pollution program in partnership with the Environmental Protection Agency (EPA) and the states, and also has been a major participant in Clean Water Act reauthorization discussions. In the arena of port and harbor development, OCRM is an active member of the Department of Transportation's inter-agency task force on Dredged Material Disposal, along with the U.S. Army Corps of Engineers and EPA.

NOAA's coastal and ocean programs participate fully in the President's Ecosystem Management Initiative by providing its coastal and ocean-based scientific and management expertise; for example, in the Prince Willlliam Sound and Monterey Bay sites. OCRM's participation on the national level includes service on three of the President's Office of Environmental Policy's Ecosystem Management Initiative subcommittees: Institutional Improvements, Science and Information Management, and Research and Understanding for Management. NOAA and OCRM also are active participants in Ecosystem Management Initiative field planning and implementation.

In Florida Bay, NOAA is a full partner with Federal, state and local agencies, nonprofit organizations and businesses that depend on the long term sustainable use of South Florida's land and water resources. The focus of NOAA's water-based participation is forming partnerships with state and local governments, other Federal agencies, non-profit organizations, and resource users to develop the Florida Keys National Marine Sanctuary management plan, as well as NOAA technical support on ocean-related tasks in Florida Bay.

On the land side, NOAA is providing support through the Florida Coastal Management Program to the Governor's Commission for a Sustainable South Florida. Complementing and coordinating with the Federal Ecosystem Management Initiative, Florida's Commission

will provide coordinated oversight of the numerous organizations and persons working to understand and enhance the performance of the Everglades ecosystem. The Commission will not only serve to facilitate interagency dialogue and conflict resolution, but will ultimately develop and implement an integrated approach to protecting, managing, preserving and restoring the Everglades Ecosystem. Such an action is not possible without active and willing Federal, state, local and private sector participation.

The Commission will provide recommendations, through a report to the Governor, to improve coordination among and within the private and public sectors regarding activities impacting the Everglades ecosystem; to examine the effects of continued development and agriculture on the natural resources within the Everglades ecosystem; to make recommendations for the restoration, management, preservation and protection of these resources; and, to identify strategies for ensuring the South Florida economy is based on sustainable economic activities that can coexist with a healthy Everglades ecosystem.

In the Monterey Bay Region of central California NOAA, NOS and OCRM are a major part of the process to maintain a healthy coastal zone. NOAA is active through many of its partnership programs, including: the State's CZM Program -- the California Coastal Commission, the Elkhorn Slough National Estuarine Research Reserve, the Monterey Bay National Marine Sanctuary, the

California Sea Grant Program, the NMFS Southwest Fisheries Center, and the Center for Integrated Research in the Ocean Sciences. These organizations, along with local and regional agencies, are actively involved through a multi-agency Memorandum of Agreement in the development of a Water Quality Protection Program for Monterey Bay. This is a multi-year initiative in a region of the country where the status of coastal resources generally is recognized to be of high quality. Through this proactive work we should be able to ensure that the waters of the central California coast are clean and productive, even as we sustain the productivity of one of the Nation's most valuable farming regions, and address the changes that will unfold from the planned reuse of Fort Ord.

In the Pacific Northwest an example of NOAA's coastal stewardship role and the involvement of constituent groups is the recovery of salmon. Since the listing of Snake River salmon under the Endangered Species Act (ESA), the NMFS has used an open process to ensure participation by all interested groups. For example, all scientific information and comments related to the process have been deposited in an administrative record and made available for review in the region in Seattle, Portland, Oregon, and Boise, Idaho. Also, a Technical Committee comprised of biologists from the states, Federal agencies, Indian Tribes, public utilities and other interested entities was established to provide information and to review and comment on the data in the

record. Technical Committee meetings are open to the public. NMFS also has established an Economics Technical Committee comprised of economists from the states, Federal agencies, Indian Tribes, public utilities and other interested entities to ensure that the best available economic information is available to complete the critical habitat determinations and to develop recovery plans.

NOAA consultation efforts continue as we seek to address the concerns of fishermen and communities impacted by the salmon closure, most recently through eight town meetings and discussions with representatives from the Departments of Fisheries, Economic Development and the Governors' offices of Oregon and Washington. The purpose of these meetings was to coordinate the information we have received from the town meetings and to work closely with these offices in designing a program to expend the \$15.7 million recently announced by Secretary Brown for Northwest fishermen and the communities. It is NOAA's policy to encourage all affected interests to participate in the development of a strategy to implement the recommended recovery actions. It is vital for these interests to participate because it is at this stage that social or economic effects are considered.

In the Northeast, NOAA's Office of Sustainable Development and Intergovernmental Affairs, created eight months ago, has been

charged with addressing comprehensively the effects of the collapse of groundfish stocks in the Northeast. Our approach has been one of partnership, with the communities, with the states, with other Commerce bureaus, and with other Federal agencies. The first important linkage is the people of coastal communities. We have conducted eighteen public meetings to date in close cooperation with both state and local elected officials in nine different ports over the past six months. As part of the emergency assistance plan of \$30 million for the Northeast crisis, announced by Secretary Brown on March 21, we have established six Fishing Family Assistance Centers. These centers act as one-stop shops for dislocated fishermen and their families. They were established through consultation and cooperation with the U.S. Department of Labor and the U.S. Small Business Administration.

At the state level we have worked closely with Massachusetts' Industrial Services Program, an agency which receives funding from both the Federal Department of Labor and the Commonwealth of Massachusetts. The Departments of Commerce and Labor co-manage advisory centers in New Bedford, Provincetown, and Gloucester to bring services to the people. Centers also have been established in Portland and Rockland, Maine. They provide, again, "one-stop shops" to address a number of needs of dislocated fishermen, including: financial counseling, traditional social service

counseling, job retraining services, and help with Commerce financial assistance and grants.

Conclusion

My testimony demonstrates in word and deed NOAA's deep ongoing commitment to ocean and coastal resource management. We agree that the interface of land and sea, the "coastal zone," is a special place. NOAA will ensure that coastal issues are on the national agenda. We intend to continue our discussions with members of the Federal coastal community, as well as our partners in state and local government, the private sector, and the public, concerning the broad spectrum of coastal management issues such as federal consistency, ocean governance, marine protected areas, marine transportation, port development, coastal hazards, and habitat protection that are pertinent to sustainable coastal development.

As important as the Office of Ocean and Coastal Resource Management is, we view the effective implementation of the various programs authorized by the Coastal Zone Management Act as a NOAA-wide responsibility. To that end, we have embarked upon many agency-wide initiatives to support OCRM's efforts, and to improve the management of the country's ocean and coastal resources in general. These include:

- The President's Ecosystem Management Initiative,
- NOAA's Coastal Ecosystem Health Initiative,

- NOAA's Sustainable Development Efforts,
- The Center for Coastal Ecosystem Health in Charleston,
- The Coastwatch Change Analysis Program,
- The NOS Integrated Coastal Management Review Team,
- NOS Partnership Proposals,
- OCRM Planning for Ocean Governance, and
- The OCRM-wide Education Initiative.

We plan in the months ahead to examine these initiatives. In addition, we will examine other ideas, including Representative Eshoo's proposal, in order to determine the best means for achieving our goal -- having our coastal zone management programs succeed in measurably improving the health of the Nation's coastal land and water resources.

Mr. Chairman and Members of the Subcommittee, I am encouraged by what has been accomplished and excited about what more we can do together. Thank you for this opportunity to share our views with you. I will be happy to answer any questions you may have.

TESTIMONY OF DR. SARAH J. TAYLOR-ROGERS, EXECUTIVE DIRECTOR
CHESAPEAKE BY CRITICAL AREA COMMISSION

COASTAL ZONE MANAGEMENT ACT REAUTHORIZATION

SUBCOMMITTEE ON OCEANOGRAPHY, GULF OF MEXICO
AND OUTER CONTINENTAL SHELF
MERCHANT MARINE AND FISHERIES COMMITTEE
U.S. HOUSE OF REPRESENTATIVES

Thank you for the opportunity to testify on the issue of elevating the Office of Ocean and Coastal Resource Management (OCRM). Dr. Wayne Beam, Chairman of the Coastal States Organization (CSO), has expressed the full support of the 35 coastal and Great Lakes states and territories for this action in previous hearings before your Committee. I am here to underscore that position and to present, from an individual state's perspective, the reasons why elevation is so important for advancing the nation's coastal management program and making the best use of the public's investment in NOAA.

I believe that only through elevation will coastal management interests be represented among NOAA's leadership. When top-level officials at NOAA sit down to make decisions regarding agency programs and budget priorities, the specific needs and goals of the nation's coastal programs need to be represented. There needs to be someone at the table who understands coastal resource management or who has a primary commitment to helping meet the needs of state and local coastal managers. Visibility and presence are essential.

This is a prime opportunity to take action. NOAA's current leadership is supportive of elevating the OCRM, and knows that this is necessary to effect an understanding by all concerned as to how resource decisions are made at the state and local levels of government. Such a move will lay the foundation for major improvements to NOAA, and the national coastal programs will be strengthened. NOAA's leadership role will also be strengthened because it will be better able to promote and protect coastal management interests within its own bureaucracy. Strength is essential.

NOAA also serves as the single greatest repository of information about our coasts and oceans. However, the vast amounts of information collected by NOAA need to be synthesized into products that are useful for those making decisions at the watershed ecosystem levels.

For example, we in Maryland need scientific and technical information to help us make decisions about nonpoint source pollution, wetlands protection, storm and erosion hazards, and public access. While we believe that NOAA has the mandate and the expertise to generate this information, we receive it on an intermittent basis from various divisions within NOAA, and as such

the technical information is piecemeal and not always comprehensive enough for our needs. NOAA has a unique capacity to support problem-solving on the ground, and not research for its own sake. I have seen encouraging words in NOAA's Strategic Plan supporting this effort. NOAA's leadership understands the need for a significant change in how it meets the needs of the thousands of resource managers around the country. By elevating OCRM, NOAA will have a permanent advocate for turning the fragmented efforts of national and global-level information collection into coastal and ocean resource information that the state and local governments can use and act upon. Strengthening the application of NOAA's vast database is essential.

With respect to NOAA's potential for coastal management leadership among federal agencies, the position of Director of OCRM is presently buried so far down in NOAA's bureaucracy that it cannot undertake strong initiatives with other federal agencies on critical coastal management issues. This is evident in the requirement that other federal agencies comply with the CZMA's federal consistency provisions, such as getting the Coast Guard to abide by the CZMA in developing Oil Pollution Act programs, and working with federal agencies to achieve the goals of the coastal nonpoint pollution control program. The national leader for coastal management simply needs the stature and authority to deal directly with top decision-makers in other federal agencies. Indeed, the coastal nonpoint pollution control or "6217" program serves as a prime example for NOAA to respond to the challenge and opportunity Congress has set before it. Strengthening the application of federal consistency is essential.

Thank you.

COASTAL STATES ORGANIZATION, INC.

Testimony of David C. Slade, Director

On the

Elevation of the
National Oceanic and Atmospheric Administration's
Office of Ocean and Coastal Resource Management

Before the

Subcommittee on Oceanography, Gulf of Mexico, & Outer Continental Shelf

Of the

Merchant Marine and Fisheries Committee
U.S. House of Representatives

June 21, 1994

COASTAL STATES ORGANIZATION, INC

Suite 322
444 N. Capitol St. NW
Washington, D.C.
20001

(202) 508-3860

Testimony of David C. Slade, Director
COASTAL STATES ORGANIZATION

On the
Elevation of the
National Oceanic and Atmospheric Administration's
Office of Ocean and Coastal Resource Management

In the
Reauthorization Of The Coastal Zone Management Act

Before the
Subcommittee on Oceanography, Gulf of Mexico, & the Outer Continental Shelf
Of the
Merchant Marine and Fisheries Committee
U.S. House of Representatives

Mr. Chairman, I am David Slade, Director of the Coastal States Organization (CSO). Founded in 1970, the Coastal States Organization represents the collective views of the Governors, through their formally appointed Delegates, of the 30 coastal States and five U.S. Territories and Commonwealths. On behalf of CSO, I greatly appreciate the opportunity to appear before this subcommittee today to present our views on the elevation of the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management (OCRM).

The Coastal States Organization is fully supportive of the proposal to re-elevate OCRM. This is essential to restore the stature, effectiveness and visibility of coastal and ocean management programs: including the National Estuarine Research Reserve System, the national Coastal Zone Management program, and the National Marine Sanctuary program.

We applaud Congresswoman Eshoo's efforts to re-elevate OCRM. The Coastal States Organization has maintained, ever since this program office was demoted in the early 1980s, that the program must be re-elevated. Over a decade has passed, and we commend Mrs. Eshoo's vision and forthrightness to take this issue beyond the grumbling stage and demand that something be done to correct the situation. Her efforts, if successful, will have benefits far beyond California's 14th District; the Nation will benefit.

It is restating the obvious to say that within the Nation's coastal areas are many of the country's most valuable assets, encompassing natural, recreational, ecological, commercial, industrial, and aesthetic resources of tremendous value to all Americans, both present and future. From scenic beauty to providing jobs and a sound tax base, the coastal resources of this country are a major component of what we commonly recognize as our high standard of living.

Today, within the coastal zone, there is immense population growth and burgeoning economic development, bringing new and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal and transportation. Visit the country's coasts and you will see industry, commerce, residential development, recreation, mineral and fossil fuel production, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources. Important ecological, cultural, and historic sites dot the coastline nationwide.

Obviously, some plan for balancing fragile ecosystem preservation with sustainable economic development, some method for managing all of the activities that take place within the coastal zone -- perhaps better visualized as the Nation's coastal caldron -- is needed. The tremendous wealth and value of the coastal resources, coupled with the increasing pressures upon them, were addressed by Congress when it enacted the Coastal Zone Management Act in 1972. Through the CZMA, States, in partnership with the federal government, are given the authority and responsibility for:

- protecting and restoring natural resources,
- planning for sustainable economic development,
- coordinating federal activities with State CZM plans,
- providing public access to the coasts,
- renovating deteriorating urban waterfronts and ports, and
- preserving and restoring historic and cultural coastal sites.

It is clear that the States need a strong federal partner in order to fully implement the national CZM program and reach the goals set out by Congress in the Act. Thus, the question today is: Can the federal partner effectively do its job from the low bureaucratic level it currently holds? The answer is no.

Prior to the demotion of the coastal programs in the early 1980s, there existed an Office of Coastal Zone Management, headed by the Assistant Administrator of Coastal Zone Management, as required by P.L.95-219. The Assistant Administrator was to be "by reason of background and experience, especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972". This previous administrative level for the national CZM office recognized the vital importance of the program to the 70% of the U.S. population that resides in the coastal area.

The Coastal Zone Management program has, for over 20 years, been utilizing the ideals of integrated management and sustainable development as it has attempted to fulfill its policy "to preserve, protect, develop, and wherever possible restore the resources of the nation's coastal zone". However, OCRM's placement now within the National Ocean Service, within NOAA does not allow it to completely fulfill its defined goals and policies. This is in no way the fault of the hard-working, professional staff of OCRM, but the result of an ineffective organizational structure within NOAA.

NOAA'S RESEARCH & SCIENCE IN SUPPORT OF THE COASTAL RESOURCE MANAGEMENT

The determination in 1972 that the CZMA program should be housed within NOAA, rather than the Department of the Interior, was "based in large part on NOAA's capability to assist State and local governments in the technical aspects of coastal problems since it houses such entities as the National Ocean Survey, Environmental Data Service, and Office of Sea Grant, among others". In other words, it was recognized that to effectively implement the national CZM program, it would be necessary for the CZM program office to tap into many of the programs within NOAA for support, whether those programs were within the Weather Service, Fisheries Service, Satellite programs or many of the research programs within NOAA. As a result, the "OCZM" office was established, reporting directly to the Administrator (now the Undersecretary) of NOAA.

Nothing has changed since 1972 in this regard. The program office, OCRM, still needs to tap into many of the other *science and research* programs within all five divisions of NOAA in order to support its coastal resource *management* functions. The re-elevation of OCRM is necessary to once again enable OCRM to effectively solicit the support of all of NOAA's many programs with the scientific and technical expertise necessary to support coastal resource *managers*. In its current position, a program within a bureau within a division within an agency within a department, it simply does not have the authority to "request" the requisite support from the other NOAA programs. It is requesting from down, up; the request for program support needs to go from up, down.

NOAA'S INITIATIVES: INTEGRATED COASTAL MANAGEMENT

We welcome the new Administration's support for the national CZM programs. NOAA has targeted "Coastal Ecosystems Health" as one of its top three priorities in its Strategic Plan. In its Strategic Plan, NOAA recognizes the weaknesses in its organizational structure when it states that "Current methods for coastal ecosystem management are fragmented; we need to shift to a more integrated approach." We strongly support this high prioritization within NOAA. But, if "Coastal Ecosystems Health" is to be truly considered a top priority program within NOAA, then the management arm of "Coastal Ecosystems Health" must be brought to the table as an active participant in the agenda-setting and budget negotiation processes. Without a chair at the table,

OCRM consistently loses out by default. The re-elevation of OCRM will simply put OCRM on an equal playing field with NOAA's other programs. The re-elevation of OCRM will allow NOAA to most effectively integrate coastal ecosystem management.

ADDRESSING NATIONAL COASTAL ISSUES

Many of the problems plaguing the coasts are national in dimension and require the concerted effort of many federal agencies. For example, a fundamental element of every State CZM program is the protection of coastal wetlands. Protection is generally carried out through a combination of State and federal agencies, such as the U.S. Army Corps of Engineers for wetlands and EPA for water quality. With the development of coastal properties, wetland sites are being threatened by the construction of permanent dwellings built on pilings, a practice not anticipated when the States developed their programs. To deal with this practice, OCRM should be in a position to pull the appropriate federal regulatory agencies to the table with the States to jointly address the associated issues. It is currently not in such a position.

Another challenge is associated with floating structures -- casino barges, house boats, large barges used for dwellings, single family dwellings on floating logs secured to the waters edge -- an issue that spans federal and State agencies. To appropriately address this issue, OCRM should be in a position to pull the germane federal regulatory agencies to the table with the states. Again, it currently is not.

Other multi-agency issues, such as ocean management, global warming, watershed management, ecosystem management, and sustainable economic development require a strong federal coastal management presence, not one that is buried in the administrative structure. Thus, in order to provide leadership towards addressing these national issues, OCRM must be at a sufficiently elevated position.

FEDERAL CONSISTENCY

State implementation and use of the federal consistency provisions found in §307 of the CZMA is now routine. With nearly two decades worth of experience, it has been solidly demonstrated that the federal consistency provisions, designed to foster and augment coordination between the States and federal agencies, work, and work well.

What is sometimes forgotten though, perhaps due to its now routine nature, is that the implementation of the federal consistency provisions in 1972 was a novel experiment in the balance of constitutional powers between the federal government and the sovereign States. Giving States

the authority to review a broad range of federal agency activities, and the power to bar the conduct of federally permitted activities, was a grant of power to the States heretofore never granted.

Over the years there have been thousands upon thousands of consistency reviews by the States of the many federal agencies' direct or permitted activities. The vast majority, upwards of 90 percent, of these cases have "gone through the mill" without much problem, working as the §307 provisions intended by coordinating federal activities with State CZM programs. However, given that the root nature of the consistency provisions concerns the balance of power between the federal government and the various States, it is not surprising that a consistency review case, *California v. United States*, reached the U.S. Supreme Court. The importance of these consistency provisions is further evidenced by the Congressional reversal of the Supreme Court's decision in that case during the 1990 reauthorization of the CZMA.

Disputes between federal agencies and the coastal States over the implementation of the federal consistency provisions continue. Must the U.S. Coast Guard, before approving the area contingency plans under the Oil Pollution Act of 1990, have to submit those plans to a State for federal consistency review? Does the Army Corps of Engineers, when conducting its own operational and maintenance dredging, have to comply with the CZMA federal consistency provisions as a matter of law, or only as a matter of comity as its current regulations provide? These are but two examples of disputes between the coastal States and the federal government concerning the application of the §307 federal consistency provisions. Again, the fundamental character of these disputes concern the balance of power between the States and the federal government.

Given the current placement of OCRM, our federal partner is not in a position to effectively engage or intervene in these "balance of power" disputes. How can a program within a bureau within a division within an agency within a department effectively intervene in a dispute between a State and another federal Department? In order to do so, the program responsible for administering the CZMA must be at a sufficiently elevated position to have the authority to effectively implement the federal consistency provisions.

ELEVATION: TO WHAT LEVEL?

The issue of re-elevating OCRM raises the question: To what level is the office raised? Is it raised to the Assistant Administrator's position, or Associate Administrator's position, or something else? We are aware that the position of Assistant Administrator for Coastal Zone Management is "still on the books." We don't, however, think that this bureaucratic nicety should drive the discussion.

It does not appear obvious to us that a sixth co-equal division should be created within NOAA, headed up by an Assistant Administrator for CZM, although this would be a great improvement over the current structure. Rather, the program office should be elevated to a position wherein it would report directly to the Undersecretary. The national CZM program needs support from NOAA programs that are located in each of the five divisions of NOAA: NWS, NMFS, NESDIS, OAR and NOS. It makes sense to position the national program office above each of the five divisions so that it can effectively "tap into" their supportive programs. This is what Congress had in mind in 1972; we believe it is still a good idea.

Thus, without getting bogged down in bureaucratic lexicon -- whether it is Assistant or Associate or Deputy Secretary -- the concept we propose is for the national CZM office to be elevated to a position above the five divisions where it could utilize the tremendous science and technological resources of them to support the program managers. We also believe that this level is requisite for the program to effectively implement the federal consistency provisions, as discussed above.

ELEVATION: ANOTHER LAYER OF BUREAUCRACY? NOAA REORGANIZATION?

Some have voiced concern that re-elevating OCRM would simply create yet another layer of bureaucracy. We believe that re-elevating OCRM could be accomplished at little or no cost. Further, contrary to creating another layer of bureaucracy, CSO hopes to *decrease the layers of bureaucracy that are currently hindering OCRM* from performing the important integrating and coordinating functions of the federal agency.

Other concerns have been voiced that once you start discussing the elevation of OCRM, it quickly leads into a discussion of NOAA-wide re-organization. It is clear that many NOAA programs are directly supportive of the national CZM program, but this does not mean that these programs need to be elevated along with OCRM into some super-OCRМ. OCRM must have the ability to tap into many different NOAA programs, not have them as a part of OCRM.

ELEVATION: LEGISLATIVE OR ADMINISTRATIVE?

We note above that the position of Assistant Administrator for Coastal Zone Management is "still on the books." Thus, it has been proposed that the elevation of OCRM could be done internally by NOAA. We would strongly applaud NOAA taking this initiative on its own, but remain doubtful that it will. Even if the current administration did, however, take the initiative administratively, this would provide scant protection in the out years if another "unfriendly" administration were to come along and try, again, to bury the national CZM office.

We believe the better route would be to elevate the position statutorily. This would be best in the long-term, and would also provide the opportunity to re-address the question of what level OCRM *should* be elevated to, rather than what level is already "on the books."

CONCLUSION

The Office of Ocean and Coastal Resource Management should be elevated to a level necessary to fully utilize the resources of NOAA's research and science programs, implement NOAA's Coastal Ecosystems Health initiative, successfully solve national coastal problems which require the concerted effort of many federal agencies, and effectively engage in the "balance of power" disputes brought forth by the federal consistency provisions of the CZMA. The Coastal States Organization, a twenty-four-year partner with NOAA, looks forward to working with the Subcommittee in determining the best way to re-elevate the Office of Ocean and Coastal Resource Management so that it operates in the way initially envisioned by Congress.

This concludes my remarks, Mr. Chairman. I would be happy to try to answer any questions you or other Subcommittee members may have. Thank you.



coast alliance

235 Pennsylvania Avenue, S.E., Washington, D.C. 20003

202/546-9554
Beth Millemann
Executive Director

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Sierra Club
Anna W. Simon
Stirley Taylor
Sierra Club
Boyce Thoma-Miller
Ocean Advocates
Jim Tripp
Environmental Defense Fund
Chris Wald
National Coalition for Marine Conservation
Ann Whitfield
Florida Public Interest Research Group
Cindy Zyl
Clean Ocean Action

*Organizational affiliations of Board Members listed for identification purposes only

STATEMENT OF:

Beth Millemann
Executive Director
Coast Alliance

BEFORE THE SUBCOMMITTEE ON OCEANOGRAPHY, GULF
OF MEXICO, AND THE OUTER CONTINENTAL SHELF

COMMITTEE ON MERCHANT MARINE AND FISHERIES
UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING THE ELEVATION OF
THE NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION'S
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
TO LINE OFFICE STATUS

June 21, 1994

Prepared by:

Annie Griffenberg
Education Outreach Coordinator
and
Beth Millemann
Executive Director
Coast Alliance

Good afternoon. My name is Beth Millemann, and I am Executive Director of the Coast Alliance, a national coalition of coastal leaders dedicated to protecting and wisely managing the resources of the nation's four coasts: Atlantic, Gulf of Mexico, Pacific and Great Lakes. I would like to thank Chairman Ortiz for the opportunity to testify today. I have been asked to provide testimony on the elevation of OCRM to line office status, possible effects from it, and public awareness of coastal resource management.

America's Coasts, Great Lakes and Oceans Need a Higher Profile Within NOAA, the Administration, Congress and the Public

America's coasts are suffering dramatically from the burdens that unwise development, pollution and habitat loss are placing on them. Point discharges of pollution, and polluted runoff, are degrading water quality on all four of the nation's coasts. Some of the results of these discharges are shellfish bed closings, beach closings and fish harvest limitations. Ocean dumping and the disposal of contaminated sediments are issues that pose additional threats to the health of America's coasts and to the American public.

A strong voice needs to be heard in the battle to protect our waters from the degradation that results from human activities. For this reason, the Coast Alliance supports the establishment of the Office of Coastal and Ocean Resource Management (OCRM) as a new line office and the creation of a new Assistant Administrator position. Elevation of OCRM could increase the profile of coastal issues within the Administration, Congress and the general public. It would also help bolster the importance of coastal and ocean management within NOAA itself. Increased funding levels should accompany elevation of OCRM.

There is an Urgent Need for Greater Attention to Coastal and Ocean Issues

Never has there been a more vital time for our attention to be focused on our nation's coasts.

**** Population Growth:***

According to a study done by the National Ocean Service, our nation's coastal areas include some of the most rapidly growing and densely populated counties in the country. Approximately 110 million people - almost one half of our total population - now live in coastal areas. From 1960 to the year 2010, coastal population will have increased by almost 60% nationwide. The stresses currently being placed on our shorelines and waters will increase substantially over the next few years, exacerbating the difficulties that our nation's coasts are already experiencing.

**** Coastal Habitat Loss:***

In many areas, coastal wetlands are being rapidly swallowed up by urbanization and agriculture. Despite an earlier pledge of no-net-loss of wetlands, a NOAA study shows that estuarine and coastal wetlands are decreasing nationally by an average of 31 square miles per year. The beneficial functions that wetlands serve, such as water filtration, flood prevention and habitat for birds, wildlife, and commercially valuable fish and shellfish, are being lost to coastal development.

**** Threatened Estuaries, Waters and Fisheries:***

Coastal waters and estuaries are some of the nation's most ecologically --

and economically -- important areas. According to a 1993 report by the Natural Resources Defense Council (NRDC), coastal estuaries provide habitat for over 75 percent of the total commercial landings of fish and shellfish and 80-90 percent of the recreational catch in the lower 48 states. According to NOAA, estimates of the value of coastal wetlands to commercial and recreational fisheries may range from about \$2,200 per acre along the Pacific Coast, to almost \$10,000 per acre along parts of the Florida coast. NRDC reported that the commercial fishing and shellfishing industry's total contribution to the U.S. gross national product exceeded \$16.5 billion, while recreational fishing expenditures exceeded \$28 billion. Nevertheless, a NOAA report stated that as of January 1, 1990, 37% of the nation's waters were harvest-limited. Decreasing water quality and habitat loss threaten the nation's economically vital fisheries.

** Polluted Runoff Into Coastal Waters:*

The commercial and recreational fishing industries provide an important economic benefit, increasing the need to improve and protect coastal and estuarine waters. A 1992 EPA report on the status of polluted runoff problems concluded that at least 1.2 million acres of coastal waters and 5,000 square miles of estuarine waters were impaired or threatened by polluted runoff.

** Contaminated Sediments in the Great Lakes, Coasts and Oceans:*

In addition to the threats posed by polluted runoff, our waters are also subject to the threats still posed by contaminated underwater sediments. Industrial toxins, runoff, atmospheric deposition and other pollutants enter waters and, over

time, can settle and accumulate in the bottom sediments. Pollutants such as PCBs, PAHs, heavy metals and dioxin pose serious health threats to bottom feeders that eat organisms like small worms and clams living in this toxic sediment. As the toxins move through the food chain they also pose serious health threats to fisheries, wildlife and humans. As the issue of contaminated sediments gains more public attention, and the serious threats they pose to human health come to light, the issue of sediment identification, remediation and prevention will grow in importance.

The Coast Alliance works with a national network of over 300 groups and individuals concerned about the health of our nation's coasts and oceans. At a time when more people are moving to the coasts and more Americans are devoting time to recreational opportunities along our shorelines, interest in a clean and healthy coastal environment is growing stronger. But at the same time, and to some degree as a result of this increasing interest, the pressures being placed upon our coasts are tremendous.

Coastal resource management issues are complex and interwoven, affecting, among others, the interests of recreationists, fishermen, developers, and industries, and addressing issues such as public health, jobs, wildlife management and endangered species. OCRM has shown an ability to pull together a wide variety of issues, and to seek to adopt policies to address these issues in a comprehensive manner. For this reason, elevation of the agency would afford it the opportunity to garner greater political support for the policies it devises to further protect our nation's coasts and oceans. Additional funding should accompany the elevation. While recognizing that the elevation of OCRM is an important step in bolstering the importance

of coastal and ocean management, this step must be part of a larger strategy to focus greater attention on the issues facing our coasts and oceans.

Action needs to be taken now to elevate these issues to a higher level so that a clear and comprehensive policy can be formulated to address the pressures being placed on this valuable natural resource. It is our hope that the establishment of OCRM as a new line office and the creation of a new Assistant Administrator position will help the Administration to forge a strong and comprehensive policy to address the issues facing our nation's coasts.

Thank you for the opportunity to testify.



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

AUG - 3 1994

The Honorable Solomon P. Ortiz
Chairman, Subcommittee on Oceanography,
Gulf of Mexico, and the Outer Continental Shelf
Committee on Merchant Marine and Fisheries
House of Representatives
Washington, D.C. 20515-6230

Dear Mr. Chairman:

Enclosed are the National Oceanic and Atmospheric Administration's responses to questions received from the Subcommittee as a follow-up to its June 21, 1994 hearing concerning a proposal to establish a line office and a NOAA Assistant Administrator for ocean and coastal resource management.

Please do not hesitate to call on me should you require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Sally Yozell".

Sally Yozell
Director
Congressional Affairs

Enclosure



FOLLOW-UP QUESTIONS FOR DOUGLAS HALL
BEFORE THE SUBCOMMITTEE ON OCEANOGRAPHY, GULF OF
MEXICO, AND THE OUTER CONTINENTAL SHELF
COMMITTEE ON MERCHANT MARINE AND FISHERIES
U.S. HOUSE OF REPRESENTATIVES
JUNE 21, 1994

Question 1: Who will comprise the task force that will review the organization and effectiveness of coastal and ocean programs within NOAA? To date, what steps has NOAA taken toward establishing this task force?

Response: The first meeting of the Coastal Stewardship Task Force was held June 28, 1994. The group will assess whether the current priorities, structure, process and resource allocations adequately support NOAA's coastal stewardship priorities and, if appropriate, recommend options. Findings will be submitted to Dr. James Baker by the end of the year.

The task force, chaired by Kate Kimball, NOAA Deputy Assistant Secretary, includes Sue Fruchter, Director, Office of Policy and Strategic Planning; Don Scavia, Director of NOAA's Coastal Ocean Program; Nancy Foster, Deputy Assistant Administrator of the National Marine Fisheries Service; David Evans, Senior Scientist for the National Ocean Service; Jeff Benoit, Director of NOAA's Office of Ocean and Coastal Resource Management; John Calder, Office of Oceanic and Atmospheric Research; and Captain Don Northrup, National Environmental Satellite, Data and Information Service.

The task force will consult with Congress and all constituency groups including states, industry, port authorities, environmental groups, the academic community, and others to determine how we can best implement the national dimension of coastal and ocean stewardship, as well as provide continued support for the state, local and private sector partners.

Question 2: Which other existing NOAA programs potentially could be encompassed within the proposed new line office for ocean and coastal resource management?

Response: There is no NOAA proposal for a new line office at this time. NOAA is only reviewing its existing priorities, structure, process and resource allocations to determine if changes should be made to improve effectiveness. The task force will be reviewing all existing NOAA programs that protect, manage and assess coastal resources (including relevant research and monitoring). Programs under consideration include, but are not limited to: Ocean and Coastal Resource Management (NOS); Ocean Resources Conservation and Assessment (NOS); Nautical Charting

(NOS); Coastal Physical Oceanography-Tides and Ports (NOS); Habitat Protection (NMFS); Protected Resources (NMFS); Sea Grant (OAR); the National Underwater Research Project (OAR); NODC Data Center (NESDIS); Coastwatch (NESDIS); and the Coastal Ocean Program (COP).

Question 3: Does NOAA have any estimate for the administrative costs of this proposed reorganization?

Response: No, as there is no NOAA proposed reorganization.

Question 4: In what ways would this proposed reorganization affect other NOAA programs?

Response: As noted previously, NOAA does not have any plans for a reorganization.

Question 5: Should the National Marine Sanctuary Program and the Estuarine Research Reserve System remain within OCRM after elevation of this office? How would elevation affect these programs?

Response: There are no plans or proposals to elevate this office to line office status at this time. The National Marine Sanctuary Program and the National Estuarine Research Reserve System programs are included among the NOAA programs to be reviewed. The effects of any proposed reorganization, including elevation of OCRM, would be addressed in the task force findings referenced in response #2.

Question 6: Advocates of elevation argue that OCRM, in its current position, does not have sufficient authority to intervene or engage effectively in "balance of power" disputes between states and the Federal government over implementation of CZMA Federal consistency provisions. Does NOAA believe that elevating OCRM would improve NOAA's effectiveness in dealing with federal consistency reviews?

Response: Increasing NOAA's overall effectiveness in all its coastal stewardship priorities is the goal of the task force. As mentioned earlier, NOAA has not determined the feasibility of reorganizing, or if another approach may be more advantageous in addressing this issue.

3.

Question 7: How would you respond to assertions that OCRM, in its current position, does not have the authority to request requisite support from other NOAA programs and divisions?

Response: OCRM programs are receiving considerable support. This Administration has declared full and continuing programmatic and funding support for the CZMA. The task force will assess whether current resource allocations support NOAA's coastal stewardship priorities.

Question 8: Reorganization advocates maintain that it is only through elevation of OCRM that NOAA can support its "Coastal Ecosystem Health" Initiative. How would you respond to this assertion?

Response: The Coastal Ecosystem Health initiative was developed as part of the NOAA Strategic Plan to highlight the importance of coordinated, focused programs for managing coastal resources. Since it is broader in scope than those programs presently housed in OCRM, the elevation of OCRM may not provide any significant benefit to the initiative.

Question 9: Do you consider it a conflict to have the Director of OCRM, a political appointee, reporting to the Administrator of the National Ocean Service, who is a career employee?

Response: There is a strong working relationship between NOAA's Administrator, the NOS Assistant Administrator and the OCRM Director. Therefore, this issue has not been a concern in the current Administration. These individuals are united in working to implement integrated approaches to environmental management and coastal resource development for economic and environmental health.



Coastal States Organization

*Representing the Governors of Thirty-five Coastal States,
Territories and Commonwealths on Coastal, Great Lakes and Ocean Affairs.*

August 5, 1994

CHAIR

H. Wayne Beam, Ph.D.
Columbus, SC
Ph: (803) 737-0880
Fx: (803) 737-0881

DIRECTOR

David C. Slade
Washington, D.C.
Ph: (202) 506-1860
Fx: (202) 506-1843

The Honorable Solomon P. Ortiz, Chairman
Subcommittee on Oceanography, Gulf of Mexico, & the Outer Continental Shelf
Merchant Marine & Fisheries Committee
U.S. House of Representatives
Room 1334 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman,

On behalf of the Coastal States Organization, I want to thank you for the opportunity to testify before your Subcommittee on June 21, 1994 on the elevation of the office of Ocean and Coastal Resource Management in the reauthorization of the Coastal Zone Management Act. I address below the questions submitted by your Subcommittee following the hearing.

1) Do the coastal states believe that the NOAA leadership is truly intent on increasing the importance of coastal zone management within the Agency?

The current NOAA leadership is more supportive of coastal programs than any Administration in the last 14 years. Within NOS there seems to be plenty of support for increasing the importance of coastal zone management. However, the upper-level managers, outside of NOS, do not seem as supportive. Rather than be proactive concerning OCRM elevation, the Undersecretary for Oceans and Atmosphere, in response to Congresswoman Eshoo's amendment, has formed a task force to look into the issue and form an opinion in 6 months. The Coastal States have concerns about the ability of the task force to transcend agency "turf" and objectively evaluate the question of OCRM elevation. In addition, the Undersecretary for Oceans and Atmosphere has not appeared to show strong support for NOAA's coastal programs publicly: the coastal programs are rarely mentioned at the President's Council on Sustainable Development, nor were they highlighted during the Senate NOAA reauthorization hearing. Thus, while NOS seems supportive of increasing the importance of coastal zone management, NOAA, as a whole, seems more apprehensive.

2) Do the coastal states believe that elevating OCRM would threaten other programs within NOAA?

The elevation of OCRM should not threaten NOAA's other programs. On the contrary, the elevation of OCRM would crystallize the importance of all of NOAA's programs and

HALL OF THE STATES, SUITE 322, 444 NORTH CAPITOL ST., N.W., WASHINGTON, D.C. 20001

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the need for all those programs to work together to fulfill the goals of NOAA set by Congress. NOAA was initially envisioned as a research and management agency, where the research could be directly applicable to management. This integration is one of the primary goals of OCRM elevation. The expertise contained within the other programs in NOAA, particularly those oriented toward coastal and ocean research, could be very valuable to the States who, through OCRM, are managing the coasts. The elevation of OCRM would enable further integration of NOAA's programs and would better utilize the strengths and expertise of all the branches within NOAA.

3) Should the National Marine Sanctuaries and Estuarine Research Reserves programs remain within OCRM after elevation of this office? How would elevation affect these programs?

Yes, the National Marine Sanctuaries and National Estuarine Research Reserves should remain part of OCRM as OCRM is elevated. Keeping Sanctuaries, Reserves, and coastal management programs together will greatly facilitate the coordination of these programs with each other, allowing them to pool their resources and share their research.

4) You mention in your testimony that re-elevating OCRM could be accomplished at little or no cost. Would you please explain your position on this issue, since one of the main arguments against elevation concerns the associated cost?

The elevation of OCRM should cost virtually nothing in that it is not crucial that OCRM increase the size of its staff or financial base at the time of elevation. OCRM could remain relatively the same size it is right now, but the elevation would give OCRM the authority and the ability to request assistance from other programs within NOAA, the Department, and other federal agencies. While some might argue that OCRM currently has such authority, that authority is thwarted by intra-agency politics. For example, if the Director of OCRM were to ask assistance from the Assistant Administrator of the National Weather Service, the response would be far different than if the *head* of an *elevated* OCRM were to request such assistance from the AA of the Weather Service. Furthermore, contrary to creating another layer of bureaucracy, CSO hopes to decrease the layers of bureaucracy that are currently hindering OCRM from performing the important integrating and coordinating functions of the federal agency, by pulling OCRM out from under the bureaucracy.

5) In your testimony, you affirm that although many NOAA programs are directly supportive of the national CZM program, these programs need not be elevated along with OCRM into some "super-OCRМ." However, wouldn't including programs such as the Sea Grant Program, the Coastal Ocean Program, and the Office of Resource Conservation and Assessment make sense in light of the functions of these various programs?

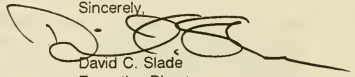
CSO is not necessarily opposed to the idea of including these other programs in OCRM, but is cautious that such a conglomeration might incur prohibitive costs. At this time, CSO is more supportive of an integrated approach, which would elevate OCRM and allow OCRM to seek assistance from the other programs, without putting the other programs directly under OCRM.

6) In your testimony, you note that the section 307 federal consistency provisions "work, and work well," yet you go on to imply that the current placement of OCRM hinders resolution of federal consistency disputes between federal agencies and the coastal states. How do you reconcile these two seemingly conflicting viewpoints?

It is true that upwards of 95% of the federal consistency cases do, in fact, "work, and work well". However, in around 5% of the cases, disputes arise and are not reconciled because OCRM is not in a high enough position to step in and referee the dispute between the State and the federal agency. If OCRM were elevated, it would be in a better position to mediate with other federal agencies in the 5% of the cases where substantive disputes arise.

I hope my answers are helpful to you and your Subcommittee. I appreciate this opportunity to share my opinions with you.

Sincerely,



David C. Slade
Executive Director

JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-9047 OR 410-974-2418
410-820-5093 FAX

SARAH J. TAYLOR, PH.D.
EXECUTIVE DIRECTOR
410-974-2418/26
410-974-5338 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
31 CREAMERY LANE
EASTON, MARYLAND 21601

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

July 21, 1994

The Honorable Solomon P. Ortiz, Chairman
Subcommittee on Oceanography, Gulf of Mexico, and
the Outer Continental Shelf
U.S. House of Representatives
Committee on Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, D.C., 20515-6230

Dear Congressman Ortiz:

Thank you for the opportunity to testify at your Subcommittee Hearing on June 21, 1994. The following information provided addresses the additional questions that you posed to me in your letter of June 28, 1994.

1) In your opinion, would elevating OCRM in any way threaten other programs within NOAA?

I would hope that other programs would not feel threatened. NOAA has many areas of expertise housed within it. These include the National Marine Fisheries Service, Environmental Satellite Data and Information Service, the National Weather Service, Oceanic and Atmospheric Research etc. These programs, long established, have much to contribute toward a comprehensive and strategic approach with our coastal and ocean resources. Many of these programs are research oriented in nature, not necessarily focusing on **management** of our resources at the local level. And yet, that very research that is being conducted by them could be very useful at the State and local level. We need to better integrate the research and the science toward those problems and issues facing those who manage the resources at the State and local level. By elevating OCRM, the strengths and talents within NOAA could be better recognized by all and could become more applications oriented across the board.

2) Should the National Marine Sanctuaries and Estuarine Research Reserves programs remain within OCRM after elevation of this office? How would elevation affect these programs?

I have always believed that the National Marine Sanctuaries and Estuarine Research Reserves programs were the show cases for applied science and research. They are unique areas, representing

page 2

diverse ecosystems of our Nation. They are also areas that have been set aside for research to address existing problems as well as future problems affecting our coastal resources. In that regard, I believe that the Sanctuaries and Reserves programs ought to remain as part of an elevated OCRM. I say this for two reasons, 1) what better way could there be to focus the research of other programs within NOAA than upon these very areas designated for research and management purposes, and 2) the Sanctuaries and Reserves programs are networked across states and territories with a ready-made communication system that could disseminate the valuable conclusions of research being conducted by these programs.

3) You state in your testimony that "NOAA's current leadership is supportive of elevating OCRM, and knows that this is necessary to effect an understanding by all concerned as to how resource decisions are made at the state and local levels of government." In light of NOAA's testimony at the hearing on June 21, do you remain confident that NOAA supports this initiative?

Before preparing the testimony for presentation to the Subcommittee, I called the offices at NOAA to ascertain what their position might be with respect to elevating OCRM. I was informed that they were supportive of that idea which is why my written testimony reflected that point. I believe that the task force that has been appointed to investigate the matter will look at all options, including the elevation of OCRM as one of those options. In that respect, I feel confident that the option will be discussed fully. However, if you were to ask whether I felt confident that the option of elevating OCRM would be selected from other options, I would have to answer that I would be unsure as to whether it would be selected.

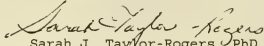
4) In your testimony, you suggest that elevating OCRM would enable the synthesis of the vast amount of information collected by NOAA about our coasts and oceans. How exactly would elevating OCRM facilitate such synthesis?

Elevating OCRM to an Administrative level would place OCRM on a par with those Administrations mentioned in my answer to question 1. Those Administrations are noted for the science and research that they carry out with respect to the various resources that are under their purview. As OCRM is management oriented, by being on an equal level with the others, suggestions as to focus for research, suggestions as to how the research could be synthesized for management purposes would perhaps be given more credibility and attention by those around the table than if OCRM remained as a program within NOS. If you require a specific example for this answer, please let me know.

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I hope that these responses address your questions. Thank you again for the opportunity to present the perspective of the State of Maryland.

Sincerely,


Sarah J. Taylor-Rogers, PhD
Executive Director

cc: Peter Kyriacopoulos, Governor's Office
Jim Mallow, Office of the Secretary, DNR
Robert Beckett, Director, CWRD
David Slade, Executive Director, CSO

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MINORITY CHIEF COUNSEL

LYNN M. WILKINSON

U.S. House of Representatives Committee on Merchant Marine and Fisheries

Room 1334, Longworth House Office Building
 Washington, DC 20515-6230

June 17, 1994

BACKGROUND MEMORANDUM

TO: Members, Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf

FROM: Subcommittee Staff

SUBJECT: Elevation of the Office of Ocean and Coastal Resource Management to the Assistant Administrator Level within NOAA

On Tuesday, June 21, 1994, at 2:00 PM in 1334 Longworth House Office Building, the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf will meet to receive testimony on proposals to elevate the Office of Ocean and Coastal Resource Management to the Assistant Administrator level within the National Oceanic and Atmospheric Administration (NOAA). Witnesses will include the Honorable Anna Eshoo (D-CA) as well as representatives from NOAA, the Coastal States Organization, the Chesapeake Bay Critical Area Commission, and the Coast Alliance.

BACKGROUND

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) (P.L. 92-583) was enacted by Congress in 1972 to create a voluntary national program for states to manage their coastal land and water resources. The Act provides federal direction, oversight, and funding for a network of federally-approved state coastal zone management (CZM) programs. The CZMA is administered by NOAA's Office of Ocean and Coastal Resource Management (OCRM), which is housed within the National Ocean Service. The National Ocean Service (NOS) is one of the five line offices within NOAA. (The other four line offices include the National Weather Service, the National Marine Fisheries

Service, the National Environmental Satellite, Data, and Information Service, and the Office of Oceanic and Atmospheric Research.) In addition to OCRM, NOS also contains the Coast and Geodetic Survey, the Office of Ocean and Earth Sciences, and the Office Ocean Resources Conservation and Assessment.

As directed by the CZMA, OCRM administers funds and provides policy guidance and technical assistance to states and territories to help them establish and administer CZM programs. OCRM is responsible for providing oversight of these CZM programs to ensure that the states and territories comply with the objectives of the Act. Currently, 24 coastal states and five island territories have federally-approved CZM programs (see Attachment A). Six eligible states (Georgia, Illinois, Indiana, Minnesota, Ohio, and Texas) and the Pacific Trust Territory of Palau do not have federally-approved programs. Each of the six states participated in the program development process in the 1970s but subsequently withdrew for various reasons, including a lack of local support for the program and a lack of state authorities to meet federal approval. Presently, each of the six eligible states, with the exception of Illinois, is either developing or considering development of CZM programs. Texas and Ohio are closest to completing program development and are expected to submit CZM programs for federal approval within the next year.

History of the Office of Ocean and Coastal Resource Management

NOAA was created within the Department of Commerce under President Nixon's Reorganization Plan Number 4 of 1970 (84 Stat. 2090). Under this plan, NOAA inherited those functions formerly vested in the Department of the Interior's (DOI) Bureau of Commercial Fisheries, as well as those functions administered by Marine Minerals Technology Center of DOI's Bureau of Mines. NOAA also inherited all powers formerly bestowed in the National Science Foundation with regard to the National Sea Grant College Program, as well as those functions formerly vested in the Department of Defense with regard to surveying, mapping, and charting of northern and northwestern lakes, rivers, canals, and connecting waters. Finally, NOAA was envisioned as the federal agency that would administer a potential future program intended to manage the nation's coastal resources.

The first coastal zone management bills were introduced in 1969 during the 91st Congress. After a heated three-year struggle over whether to craft stand-alone CZM legislation or include coastal management under a comprehensive national land use policy act, the CZMA was enacted in 1972. The resulting legislation focused on both development and conservation to be achieved via individual state management programs, with NOAA as the lead federal agency.

In May 1973, NOAA established the Office of Coastal Environment to serve as the focal point for coordination of and advice to governmental, public, industrial, academic, and other institutions concerned with coastal zone management. The Office also was intended to support development of scientific information both to assess and predict the impact of man-made alterations and natural phenomena on the marine environment, as well as to promote effective coastal zone management. NOAA created a Coastal Zone Management Task Force within this Office to inventory the status of state coastal programs, develop guidelines and recommendations, coordinate federal agencies, and assess information needs.

The CZM program did not receive its first appropriation until almost 14 months after enactment of the CZMA, and it was not until April 25, 1974, that the Office of Coastal Zone Management (OCZM) was established. This Office, the successor to the Office of Coastal Environment, was initially a staff office under the direct leadership of the NOAA Administrator.

The Coastal Zone Management Act Amendments of 1976 (P.L. 94-370), in addition to providing the OCZM with additional functions under the Act, created a new Associate Administrator position for Coastal Zone Management. The Associate Administrator was to be appointed by the President, by and with the advice and consent of the Senate. At this point, OCZM was still a staff office within NOAA.

Public Law 95-219 (an act amending the Fishery Conservation Zone Transition Act), enacted on December 28, 1977, changed the title of Associate Administrator for Coastal Zone Management to Assistant Administrator for Coastal Zone Management. This Act legislatively established the OCZM as a line office within NOAA, an action which became effective on January 1, 1978, according to department organizational orders issued by the Agency. In addition, P.L. 95-219 amended Reorganization Plan Number 4 of 1970, specifying that NOAA possessed the authority to house five line offices within the Agency, all of which would be headed by its own Assistant Administrator. Each of the five Assistant Administrators was to be appointed by the Secretary, subject to approval by the President.

The OCZM oversaw development and institutionalization of the national CZM program during the 1970s. The Office awarded the first section 305 program development grants to the coastal states, developed the original program development and program approval regulations, and approved the first 26 state CZM programs. The OCZM also administered the Coastal Energy Impact Program (CEIP), a financial assistance program intended to assist the coastal states in planning for and mitigating the impacts of offshore oil and gas development and other coastal energy activity. Loan authority for the CEIP was repealed in 1990.

The 1980s signaled a shift away from development of state CZM programs toward implementation of the federally-approved plans. The Reagan Administration believed that this transition should be accompanied by a transfer of funding responsibility from the federal government to the coastal states. The Administration's position was that the CZM program was now well-established and should be handed over to the states for implementation. Accordingly, the Reagan Administration proposed to phase out federal financial support for the CZM and coastal energy impact programs beginning in 1982.

Also in 1982, as part of a major reorganization of NOAA, the National Ocean Service (NOS) was created as a new line office within the Agency. The Office of Coastal Zone Management was placed within NOS and renamed the Office of Ocean and Coastal Resource Management. Thus, this reorganization effectively revoked OCRM's line office status and delegated the former authorities of the Assistant Administrator for Coastal Zone Management to the new Assistant Administrator for Ocean Services and Coastal Zone Management. Since 1982, the head of OCRM has been referred to as the Director of Ocean and Coastal Resource Management.

Despite efforts by the Administration to eliminate the federal government's role in coastal zone management, most notably by proposing that funding for section 306 administrative grants be terminated, Congress continued section 306 funding. Moreover, in 1986, the 99th Congress passed the Coastal Zone Management Reauthorization Act of 1985 (P.L. 99-272), which kept the program alive though reduced administrative grant matching ratios from the previous five-to-one (80%) ratio to one-to-one (50%) ratio after fiscal year 1988.

With the exception of the Office of Resources Coordination and Assessment (now referred to as the Office of Resources Conservation and Assessment), OCRM includes most of the components of its predecessor office. OCRM has NOAA-wide internal review and policy coordination responsibility for Outer Continental Shelf oil and gas development, coastal hazards, and marine transportation. Finally, OCRM is responsible for implementing the National Marine Sanctuary Program and the Deep Seabed Hard Mineral Resources Act.

Proposals to Elevate the Office of Ocean and Coastal Resources Management to Line Office Status

Since the Reagan Administration reorganization of NOAA in 1982, there have been several proposals to re-elevate OCRM to the Assistant Administrator level. Such proposals are based upon the view that maintaining a line office for coastal zone management will underscore the importance of coastal zone management to the economic and environmental future of the Nation. Those advocating the elevation of OCRM believe that the current structure does not



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enable OCRM staff to deal effectively with other federal agencies and has led to inefficiencies within NOAA. In addition, supporters of elevation believe that it would support NOAA's "Coastal Ecosystem Health" initiative, one of three priorities identified by the Agency in its Strategic Plan. Finally, elevation advocates note that the position of Assistant Administrator for Coastal Zone Management remains statutorily authorized in 5 U.S.C. §5316.

While some supporters of OCRM elevation advocate executing the change legislatively to ensure that reorganization occurs in a timely manner and coastal zone management receives higher priority within the Agency, others favor administrative action on the part of NOAA. According to those advocating administrative action, NOAA managers are best-suited to know how to restructure the Agency, including which existing programs to merge within the proposed new line office.

Opponents of elevation are concerned about creating additional levels of federal bureaucracy with its attendant costs. They question the need to have two small line offices with relatively small budgets within NOAA, potentially diluting the authority of these programs and duplicating administrative costs.

ISSUES

- 1) Would elevating OCRM to line office status truly increase the importance of coastal zone management within the Agency?
- 2) Should this proposed reorganization be carried out administratively or legislatively?
- 3) Which other existing NOAA programs, if any, should be encompassed within the proposed new line office?
- 4) Is NOAA truly intent on increasing the importance of coastal zone management within the Agency?
- 5) What other actions could NOAA pursue to ensure that coastal zone management receives higher priority within the Agency?



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